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99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
99-824

GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986

SEPTEMBER 12, 1986.—Ordered to be printed

Mr. NICHOLS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3622]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Goldwater-Nichols Department of Defense Reorganization Act of 1986".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.
Sec. 3. Policy.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

Sec. 101. Organization of the Department of Defense.
Sec. 102. Powers and duties of the Secretary of Defense.
Sec. 103. Modification of authority of Secretary of Defense to reorganize the Department of Defense.
Sec. 104. Office of the Secretary of Defense.
Sec. 105. Under Secretary for Policy and Director of Defense Research and Engineer-

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ing.
Sec. 106. Assistant Secretaries of Defense.
Sec. 107. Comptroller of the Department of Defense.
Sec. 108. Inspector General of the Department of Defense.
Sec. 109. Management studies of Office of the Secretary of Defense.
Sec. 110. Technical and conforming amendments.

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

Sec. 201. Revised functions of Chairman; establishment of Vice Chairman.
Sec. 202. Provisions relating to Vice Chairman.
Sec. 203. Participation in National Security Council meetings.
Sec. 204. Transition.

PART B—COMBATANT COMMANDS

Sec. 211. Establishment of combatant commands and authority of commanders.
Sec. 212. Initial review of combatant commands.
Sec. 213. Repeal of certain limitations on command structure.
Sec. 214. Transition.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

Sec. 301. Establishment and management of Defense Agencies and Department of Defense Field Activities.
Sec. 302. Definitions of Defense Agency and Department of Defense Field Activity.
Sec. 303. Reassessment of Defense Agencies and DOD Field Activities.
Sec. 304. Transition.

TITLE IV—JOINT OFFICER PERSONNEL POLICY

Sec. 401. Joint officer management.
Sec. 402. Promotion procedures for joint officers.
Sec. 403. Consideration of joint duty in senior general and flag officer appointments and advice on qualifications.
Sec. 404. Joint duty assignment as prerequisite for promotion to general or flag officer grade.
Sec. 405. Annual report on implementation.
Sec. 406. Transition.

TITLE V—MILITARY DEPARTMENTS

PART A—DEPARTMENT OF THE ARMY

Sec. 501. The Army Secretariat.
Sec. 502. The Army Staff.
Sec. 503. Authority to organize Army into commands, forces, and organizations.

PART B—DEPARTMENT OF THE NAVY

Sec. 511. The Navy Secretariat.
Sec. 512. Office of the Chief of Naval Operations.
Sec. 513. Headquarters, Marine Corps.
Sec. 514. Technical and clerical amendments.

PART C—DEPARTMENT OF THE AIR FORCE

Sec. 521. The Air Force Secretariat.
Sec. 522. The Air Staff.
Sec. 523. Authority to organize Air Force into separate organizations.

PART D—GENERAL CONFORMING AMENDMENTS AND TRANSITION PROVISIONS

Sec. 531. Conforming amendments.
Sec. 532. Transition.

TITLE VI—MISCELLANEOUS

Sec. 601. Reduction in personnel assigned to management headquarters activities and certain other activities.
Sec. 602. Reduction of reporting requirements.

Sec. 603. Annual report on national security strategy.
Sec. 604. Legislation to make required conforming changes in law.
Sec. 605. General technical amendments.

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

SEC. 3. POLICY

In enacting this Act, it is the intent of Congress, consistent with the congressional declaration of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401)—

(1) to reorganize the Department of Defense and strengthen civilian authority in the Department;

(2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;

(3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

(4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

(5) to increase attention to the formulation of strategy and to contingency planning;

(6) to provide for more efficient use of defense resources;

(7) to improve joint officer management policies; and

(8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

SEC. 101. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

(a) REORGANIZATION OF CODE.—(1) Part I of subtitle A is amended by inserting after chapter 1 the following new chapter:

"CHAPTER 2—DEPARTMENT OF DEFENSE

"Sec.
"111. Executive department.
"112. Department of Defense: seal.
"113. Secretary of Defense.
"114. Annual authorization of appropriations.
"115. Annual authorization of personnel strengths; annual manpower requirements report.
"116. Annual operations and maintenance report.
"117. Annual report on North Atlantic Treaty Organization readiness.
"118. Sale or transfer of defense articles: reports to Congress.".

(2) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 2 of such title, as added by paragraph (1), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	*New Sections of Chapter 2*
131	*111*
132	*112*
133	*113*
138	*114*
133a	*117*
133b	*118*

(3) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 3 of such title and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	*New Sections of Chapter 3*
140	*127*
140a	*128*
140b	*129*
140c	*130*

(4) Part IV of subtitle A is amended by inserting after chapter 143 the following new chapter:

"CHAPTER 144—OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

"Sec.
"2431. Weapons development and procurement schedules.
"2432. Selected Acquisition Reports.
"2433. Unit cost reports.
"2434. Independent cost estimates.".

(5) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to chapter 144, as added by paragraph (4), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections of Chapter 4	*New Sections of Chapter 3*
139	*2431*
139a	*2432*
139b	*2433*
139c	*2434*

(6) The heading of chapter 4 is amended to read as follows:

"CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE".

(7) Chapter 4 is amended by redesignating sections of such chapter listed in the left-hand column of the following table in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing Sections	*New Sections*
134	*132*
134a	*133*
136a	*138*
137	*139*

(b) ELEMENTS OF THE DEPARTMENT.—Section 111 (as transferred and redesignated by subsection (a)(2)) is amended—

(1) by inserting "(a)" before "The Department of Defense"; and

(2) by adding at the end the following:

"(b) The Department is composed of the following:

"(1) The Office of the Secretary of Defense.

"(2) The Joint Chiefs of Staff.

"(3) The Joint Staff.

"(4) The Defense Agencies.

"(5) Department of Defense Field Activities.

"(6) The Department of the Army.

"(7) The Department of the Navy.

"(8) The Department of the Air Force.

"(9) The unified and specified combatant commands.

"(10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.

"(11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

"(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.".

SEC. 102. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

Section 113 (as transferred and redesignated by section 101(a)(2)) is amended by adding at the end the following new subsections:

"(f) When a vacancy occurs in an office within the Department of Defense and the office is to be filled by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of Defense shall inform the President of the qualifications needed by a person serving in that office to carry out effectively the duties and responsibilities of that office.

"(g)(1) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on—

"(A) national security objectives and policies;

"(B) the priorities of military missions; and

"(C) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

"(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide annually to the Chairman written policy guidance for the preparation and review of contingency plans. Such guidance shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

"(h) The Secretary of Defense shall keep the Secretaries of the military departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.".

SEC. 103. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

Section 125 is amended—

(1) by striking out "unless the Secretary" in the second sentence of subsection (a) and all that follows in that subsection and inserting in lieu thereof a period; and

(2) by inserting "vested by law in the Department of Defense, or an officer, official, or agency thereof" in subsection (b) after "function, power, or duty".

SEC. 104. OFFICE OF THE SECRETARY OF DEFENSE

Chapter 4 (as amended by section 101(a)) is further amended by inserting after the table of sections the following new section:

"§ 131. Office of the Secretary of Defense

"(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out his duties and responsibilities and to carry out such other duties as may be prescribed by law.

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.
"(2) The Under Secretary of Defense for Acquisition.
"(3) The Under Secretary of Defense for Policy.
"(4) The Director of Defense Research and Engineering.
"(5) The Assistant Secretaries of Defense.
"(6) The Comptroller of the Department of Defense.
"(7) The Director of Operational Test and Evaluation.
"(8) The General Counsel of the Department of Defense.
"(9) The Inspector General of the Department of Defense.
"(10) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

"(c) Officers of the armed forces may be assigned or detailed to permanent duty in the Office of the Secretary of Defense. However, the Secretary may not establish a military staff in the Office of the Secretary of Defense.

"(d) The Secretary of each military department, and the civilian employees and members of the armed forces under the jurisdiction of the Secretary, shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.".

SEC. 105. UNDER SECRETARY FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Chapter 4 is further amended—

(1) by striking out the heading and subsection (a) of section 135 and inserting in lieu thereof the following:

"§ 134. Under Secretary of Defense for Policy

"(a) There is an Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b)(1) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(2) The Under Secretary shall assist the Secretary of Defense—

"(A) in preparing written policy guidance for the preparation and review of contingency plans; and

"(B) in reviewing such plans.

"(c) The Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.

"§ 135. Director of Defense Research and Engineering

"(a) There is a Director of Defense Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate."; and

(2) by striking out the first sentence of subsections (b) and (c) of section 135 (as designated by paragraph (1)).

SEC. 106. ASSISTANT SECRETARIES OF DEFENSE

(a) REPEAL OF SPECIFICATION OF CERTAIN ASSISTANT SECRETARIES.—Subsection (b) of section 136 is amended—

(1) by striking out paragraphs (2) and (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(3) by striking out paragraph (6).

(b) PRECEDENCE.—Subsection (e) of such section is amended—

(1) by striking out "and the Under Secretaries of Defense" and inserting in lieu thereof "the Under Secretaries of Defense, and the Director of Defense Research and Engineering"; and

(2) by adding at the end the following new sentence: "The Assistant Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking out "him" in paragraph (1) and inserting in lieu thereof "the Assistant Secretary"; and

(B) by striking out ", or his designee" in paragraph (2);

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) (as amended by subsection (b) of this section) as subsection (d).

SEC. 107. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 136 the following new section:

"§ 137. Comptroller

"(a) There is a Comptroller of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Comptroller shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

"(c) The Comptroller shall advise and assist the Secretary of Defense—

"(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

"(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

"(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

"(A) the preparation and execution of budgets;

"(B) fiscal, cost, operating, and capital property accounting; and

"(C) progress and statistical reporting;

"(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

"(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by clauses (1) through (4).".

SEC. 108. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 139 (as redesignated by section 101(a)) the following new section:

"§ 140. Inspector General

"(a) There is an Inspector General of the Department of Defense, who is appointed as provided in section 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

"(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in the Inspector General Act of 1978.".

SEC. 109. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE

(a) SECRETARY OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall consider whether the present allocation of functions to, and the organizational structure of, the Office constitute the most effective, efficient, and economical allocation and structure of the Office to assist the Secretary in carrying out his duties and responsibilities. The study shall include consideration of each of the matters specified in subsection (d).

(b) SERVICE SECRETARIES JOINT STUDY.—(1) The Secretaries of the military departments shall conduct a joint study of the functions and organization of the Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Secretaries shall submit

a joint report to the Secretary of Defense on such study at a time specified by the Secretary. Except as provided in paragraph (2), the report shall include a discussion of and recommendations concerning each of the matters specified in subsection (d).

(2) The Secretary of Defense shall determine the extent to which, and prescribe the procedures under which, the Secretaries of the military departments shall study the matters specified in subsection (d)(1)(A) relating to contingency planning and military operations.

(c) CHAIRMAN OF JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Chairman shall submit a report to the Secretary of Defense on such study at a time specified by the Secretary. The report shall include a discussion of and recommendations concerning the matters specified in paragraphs (1)(C), (1)(D), (2), (3), (5), and (6) of subsection (d).

(d) MATTERS TO BE INCLUDED.—The study required by subsection (a) shall include consideration of the following:

(1) Whether the present organization of the Office—

(A) is optimally structured to assist the Secretary of Defense in the effective exercise of civilian control of the Department of Defense, including civilian control of—

(i) defense policy development and strategic planning;

(ii) program and budget development;

(iii) policy, program, and budget execution;

(iv) contingency planning; and

(v) military operations;

(B) is the most effective and efficient organization for the initiation, development, and articulation of defense policy;

(C) ensures that strategic planning and contingency planning are linked to, and derived from, national security strategy, policies, and objectives; and

(D) inhibits integration of the capabilities of the Armed Forces along mission lines.

(2) Whether the planning, programming, and budgeting system of the Department of Defense (including the role of the Office in such system) needs to be revised—

(A) to strengthen strategic planning and policy direction;

(B) to ensure that strategic planning is consistent with national security strategy, policies, and objectives;

(C) to ensure that there is a sufficient relationship between strategic planning and the resource levels projected to be available for the period for which the planning is to be effective;

(D) to ensure that strategic planning and program development give sufficient attention to alliances with other nations;

(E) to provide for more effective oversight, control, and evaluation of policy, program, and budget execution; and

(F) to ensure that past program and budget decisions are effectively evaluated, that such evaluations are supported by consistent, complete, and timely financial and perform-

ance data, and that such evaluations are fully considered in the next planning, programming, and budgeting cycle.

(3) Whether the major force program categories of the Five-Year Defense Plan could be restructured to better assist decisionmaking and management control.

(4) Means to improve and strengthen the oversight function within each element of the Office in policy areas not addressed by the planning, programming, and budgeting system.

(5) Factors inhibiting efficient and effective execution of the functions of the Office, including factors relating to—

(A) duplication of functions (both within the Office and between the Office and other elements of the Department);

(B) insufficient information; and

(C) insufficient resources (including personnel).

(6) Alternative allocations of authorities and functions of the Office and other reorganization proposals for the Office, including the desirability of—

(A) establishing Under Secretaries of Defense for mission-oriented areas of responsibility;

(B) decentralizing functions of the Office;

(C) reducing the number of officials reporting directly to the Secretary of Defense; and

(D) changing the ratio of members of the Armed Forces to civilian employees in the Office.

(7) Whether political appointees in the Office of the Secretary of Defense have sufficient experience and expertise, upon appointment, to be capable of contributing immediately to effective policy formulation and management.

(e) Analysis of Civilian Control.—(1) The Secretary of Defense, in considering under subsection (d)(1)(A) whether effective civilian control of the Department of Defense is best assisted by the current structure of the Office, shall examine the functions performed in the Office by—

(A) members of the Armed Forces on the active-duty list; and

(B) members of the Armed Forces in a retired status and members of the reserve components who are employed in a civilian capacity.

(2) Such examination shall include a determination of the total number of positions in the Office of the Secretary of Defense above grade GS-8 and the military equivalent (as determined by the Secretary of Defense), and of such number—

(A) the number of positions held by members of the Armed Forces on the active-duty list, shown for the military equivalent of each civilian pay grade by number and as a percentage of the total number of positions in the Office in the civilian pay grade concerned and in the military equivalent of such civilian pay grade;

(B) the number of such positions held by members of the Armed Forces in a retired status who are serving in a civilian capacity, shown for each civilian pay grade in the same manner as provided under clause (A); and

(C) the number of such positions held by members of the reserve components who are serving in a civilian capacity, shown

for each civilian pay grade in the same manner as provided under clause (A).

(3) In determining the total number of positions in the Office of the Secretary of Defense in grades above GS-8, the Secretary shall exclude positions which are primarily clerical or secretarial.

(f) INDEPENDENT CONTRACTOR STUDY.—The Secretary shall provide for an independent study to be carried out by a contractor to consider the same matters required to be considered by the Secretary under subsection (d). The Secretary shall ensure that the contractor has full access to such information as the contractor requires and that the contractor otherwise receives full cooperation from all officials and entities of the Department of Defense.

(g) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress a report on the Secretary's study under subsection (a). The report shall include—

(A) the findings and conclusions of the Secretary with respect to each of the matters set forth in subsection (d);

(B) the findings and statistical determinations required under subsection (e); and

(C) any recommendations of the Secretary for organizational changes in the Office of the Secretary of Defense and a description of the means for implementing each recommendation.

(2) The Secretary shall include with the report a copy of the reports to the Secretary under subsections (b) and (c) and a copy of the report of the independent contractor under subsection (f), together with such comments on each such report as the Secretary considers appropriate.

(3) The report under this subsection shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

(a) CONFORMING AMENDMENT FOR OFFICE OF SECRETARY OF DEFENSE.—Chapter 41 is amended—

(1) by striking out section 718; and

(2) by striking out the item relating to that section in the table of sections at the beginning of such chapter.

(b) REVISION OF OLD SECTION 138.—Section 114 (as transferred and redesignated by section 101(a)) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"§ 114. Annual authorization of appropriations";

(2) by transferring subsection (h) to the end of section 113 (as transferred and redesignated by section 101(a) and amended by section 102) and redesignating such subsection as subsection (i);

(3) by striking out "(as defined in subsection (f))" in subsection (a)(6);

(4) by inserting after subsection (a) the following:

"§ 115. Annual authorization of personnel strengths; annual manpower requirements report";

(5) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(6) by inserting after such subsection (c) (as so redesignated) the following:

"§ 116. Annual operations and maintenance report";

(7) by redesignating subsection (e) as subsection (a);

(8) by transferring subsection (f)(1) to the end of section 114 (as determined by the amendments made by this subsection) and striking out "(f)(1)" therein and inserting in lieu thereof "(b)";

(9) by striking out "(2) In subsection (e)" and inserting in lieu thereof "(b) In this section";

(10) by striking out "(A) 'Combat" and "(B) 'Major" and inserting in lieu thereof "(1) The term 'combat" and "(2) The term 'major", respectively; and

(11) by transferring subsections (g) and (i) to the end of section 114 (as determined by the amendments made by this subsection) and redesignating such subsections as subsections (c) and (d), respectively.

(c) TECHNICAL AMENDMENTS.—(1) Section 133 (as redesignated by section 101(a)) is amended by inserting "of Defense" in subsection (a) after "Under Secretary".

(2) The heading of chapter 3 is amended to read as follows:

"CHAPTER 3—GENERAL POWERS AND FUNCTIONS".

(d) REVISED SECTION HEADINGS.—(1) The heading of section 112 (as redesignated by section 101(a)) is amended to read as follows:

"§ 112. Department of Defense: seal".

(2) The heading of section 113 (as redesignated by section 101(a)) is amended to read as follows:

"§ 113. Secretary of Defense".

(3) The heading of section 117 (as redesignated by section 101(a)) is amended to read as follows:

"§ 117. Annual report on North Atlantic Treaty Organization readiness".

(4) The heading of section 127 (as redesignated by section 101(a)) is amended to read as follows:

"§ 127. Emergency and extraordinary expenses".

(5) The heading of section 128 (as redesignated by section 101(a)) is amended to read as follows:

"§ 128. Funds transfers for foreign cryptologic support".

(6) The heading of section 130 (as redesignated by section 101(a)) is amended to read as follows:

"§ 130. Authority to withhold from public disclosure certain technical data".

(7) The heading of section 132 (as redesignated by section 101(a)) is amended to read as follows:

"§ 132. Deputy Secretary of Defense".

(8) The heading of section 133 (as redesignated by section 101(a)) is amended to read as follows:

"§ 133. Under Secretary of Defense for Acquisition".

(9) The heading of section 136 is amended to read as follows:

"§ 136. Assistant Secretaries of Defense".

(10) The heading of section 138 (as redesignated by section 101(a)) is amended to read as follows:

"§ 138. Director of Operational Test and Evaluation".

(11) The heading of section 139 (as redesignated by section 101(a)) is amended to read as follows:

"§ 139. General Counsel".

(12) The heading of section 2431 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2431. Weapons development and procurement schedules".

(13) The heading of section 2432 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2432. Selected Acquisition Reports".

(14) The heading of section 2433 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2433. Unit cost reports".

(15) The heading of section 2434 (as redesignated by section 101(a)) is amended to read as follows:

"§ 2434. Independent cost estimates".

(e) CLERICAL AMENDMENTS FOR REORGANIZATION OF CHAPTER 4.—(1) The table of sections at the beginning of chapter 3 is amended by adding at the end the following new items:

"127. Emergency and extraordinary expenses.
"128. Funds transfers for foreign cryptologic support.
"129. Prohibition of certain civilian personnel management constraints.
"130. Authority to withhold from public disclosure certain technical data.".

(2) The table of sections at the beginning of chapter 4 is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition.
"134. Under Secretary of Defense for Policy.
"135. Director of Defense Research and Engineering.
"136. Assistant Secretaries of Defense.
"137. Comptroller.
"138. Director of Operational Test and Evaluation.

"139. General Counsel.
"140. Inspector General.".

(g) Cross Reference Amendments to Title 10.—(1) Section 138(a)(2)(B) (as redesignated by section 101(a)) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(2) Section 1621(3) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(3) Section 2305a(d) is amended—

(A) by striking out "section 139a(a)" in paragraph (1) and inserting in lieu thereof "section 2432(a)"; and

(B) by striking out "section 139a(a)(1)(B)" both places it appears in paragraph (2) and inserting in lieu thereof "section 2432(a)(1)(B)".

(4) Section 2362(e)(2) is amended by striking out "section 139a" and inserting in lieu thereof "section 2432".

(5) Section 2403(e) is amended by striking out "section 139a" in paragraphs (1) and (2) and inserting in lieu thereof "section 2432".

(6) Section 2431 (as redesignated by section 101(a)) is amended by striking out "section 138(a)" in subsection (a) and inserting in lieu thereof "section 114(a)".

(7) Section 2432(c) (as redesignated by section 101(a)) is amended by striking out "section 139" in subsection (c)(1) and inserting in lieu thereof "section 2431".

(8) Section 2433 (as redesignated by section 101(a)) is amended—

(A) by striking out "section 139a(a)" in subsection (a)(1) and inserting in lieu thereof "section 2432(a)"; and

(B) by striking out "section 139a(b)(3)" in subsection (b) and inserting in lieu thereof "section 2432(b)(3)".

(9) Section 2434(b)(1) (as redesignated by section 101(a)) is amended by striking out "section 139a(a)(1)" and inserting in lieu thereof "section 2432(a)(1)".

(10) Section 8062(e) is amended by striking out "section 138" and inserting in lieu thereof "section 114".

(h) Cross Reference Amendments to Other Acts.—(1) Section 51(c)(1) of the Arms Export Control Act (22 U.S.C. 2795(c)(1)) is amended by striking out "section 138(g)" and inserting in lieu thereof "section 114(c)".

(2) Section 53(b) of Arms Export Control Act (22 U.S.C. 2795b(b)) is amended by striking out "section 139(a)" and inserting in lieu thereof "section 2431(a)".

(3) Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

Part A—Joint Chiefs of Staff

SEC. 201. REVISED FUNCTIONS OF CHAIRMAN; ESTABLISHMENT OF VICE CHAIRMAN

Chapter 5 is amended to read as follows:

"CHAPTER 5—JOINT CHIEFS OF STAFF

"Sec.
"151. Joint Chiefs of Staff: composition; functions.
"152. Chairman: appointment; rank.
"153. Chairman: functions.
"154. Vice Chairman.
"155. Joint Staff.

"§ 151. Joint Chiefs of Staff: composition; functions

"(a) COMPOSITION.—There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff consist of the following:

"(1) The Chairman.
"(2) The Chief of Staff of the Army.
"(3) The Chief of Naval Operations.
"(4) The Chief of Staff of the Air Force.
"(5) The Commandant of the Marine Corps.

"(b) FUNCTION AS MILITARY ADVISERS.—(1) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

"(2) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense as specified in subsections (d) and (e).

"(c) CONSULTATION BY CHAIRMAN.—(1) In carrying out his functions, duties, and responsibilities, the Chairman shall, as he considers appropriate, consult with and seek the advice of—

"(A) the other members of the Joint Chiefs of Staff; and

"(B) the commanders of the unified and specified combatant commands.

"(2) Subject to subsection (d), in presenting advice with respect to any matter to the President, the National Security Council, or the Secretary of Defense, the Chairman shall, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense, as the case may be, of the range of military advice and opinion with respect to that matter.

"(d) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.

"(2) The Chairman shall establish procedures to ensure that the presentation of his own advice to the President, the National Security Council, or the Secretary of Defense is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Joint Chiefs of Staff.

"(e) ADVICE ON REQUEST.—The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the National Security

Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary requests such advice.

"(f) Recommendations to Congress.—After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(g) Meetings of JCS.—(1) The Chairman shall convene regular meetings of the Joint Chiefs of Staff.

"(2) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall—

"(A) preside over the Joint Chiefs of Staff;

"(B) provide agenda for the meetings of the Joint Chiefs of Staff (including, as the Chairman considers appropriate, any subject for the agenda recommended by any other member of the Joint Chiefs of Staff);

"(C) assist the Joint Chiefs of Staff in carrying on their business as promptly as practicable; and

"(D) determine when issues under consideration by the Joint Chiefs of Staff shall be decided.

"§ 152. Chairman: appointment; rank

"(a) Appointment; Term of Office.—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of two years, beginning on October 1 of odd-numbered years. Subject to paragraph (3), an officer serving as Chairman may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(2) In the event of the death, retirement, resignation, or reassignment of the officer serving as Chairman before the end of the term for which the officer was appointed, an officer appointed to fill the vacancy shall serve as Chairman only for the remainder of the original term, but may be reappointed as provided in paragraph (1).

"(3) An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the combined period of service of such officer in such positions exceeds six years. However, the President may extend to eight years the combined period of service an officer may serve in such positions if he determines such action is in the national interest. The limitations of this paragraph do not apply in time of war.

"(b) Requirement for Appointment.—(1) The President may appoint an officer as Chairman of the Joint Chiefs of Staff only if the officer has served as—

"(A) the Vice Chairman of the Joint Chiefs of Staff;

"(B) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps; or

"(C) the commander of a unified or specified combatant command.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

"(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"§ 153. Chairman: functions

"(a) PLANNING; ADVICE; POLICY FORMULATION.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following:

"(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

"(2) STRATEGIC PLANNING.—(A) Preparing strategic plans, including plans which conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

"(B) Preparing joint logistic and mobility plans to support those strategic plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

"(C) Performing net assessments to determine the capabilities of the armed forces of the United States and its allies as compared with those of their potential adversaries.

"(3) CONTINGENCY PLANNING; PREPAREDNESS.—(A) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

"(B) Preparing joint logistic and mobility plans to support those contingency plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

"(C) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

"(D) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command to carry out missions assigned to the command.

"(4) ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—(A) Advising the Secretary, under section 163(b)(2) of this title, on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

"(B) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in stra-

tegic plans and with the priorities established for the requirements of the unified and specified combatant commands.

"(C) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in clause (B).

"(D) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

"(E) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower conform with strategic plans.

"(F) Assessing military requirements for defense acquisition programs.

"(5) DOCTRINE, TRAINING, AND EDUCATION.—(A) Developing doctrine for the joint employment of the armed forces.

"(B) Formulating policies for the joint training of the armed forces.

"(C) Formulating policies for coordinating the military education and training of members of the armed forces.

"(6) OTHER MATTERS.—(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

"(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

"(b) REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—(1) Not less than once every three years, or upon the request of the President or the Secretary of Defense, the Chairman shall submit to the Secretary of Defense a report containing such recommendations for changes in the assignment of functions (or roles and missions) to the armed forces as the Chairman considers necessary to achieve maximum effectiveness of the armed forces. In preparing each such report, the Chairman shall consider (among other matters) the following:

"(A) Changes in the nature of the threats faced by the United States.

"(B) Unnecessary duplication of effort among the armed forces.

"(C) Changes in technology that can be applied effectively to warfare.

"(2) The Chairman shall include in each such report recommendations for such changes in policies, directives, regulations, and legislation as may be necessary to achieve the changes in the assignment of functions recommended by the Chairman.

"§ 154. Vice Chairman

"(a) APPOINTMENT.—(1) There is a Vice Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.

"(2) The Chairman and Vice Chairman may not be members of the same armed force. However, the President may waive the restriction in the preceding sentence for a limited period of time in order

to provide for the orderly transition of officers appointed to serve in the positions of Chairman and Vice Chairman.

"(3) The Vice Chairman serves at the pleasure of the President for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Vice Chairman of the Joint Chiefs of Staff only if the officer—

"(A) has the joint specialty under section 661 of this title; and

"(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

"(c) DUTIES.—The Vice Chairman performs such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

"(d) FUNCTION AS ACTING CHAIRMAN.—When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHAIRMAN AND VICE CHAIRMAN.—When there is a vacancy in the offices of both Chairman and Vice Chairman or in the absence or disability of both the Chairman and the Vice Chairman, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the President shall designate a member of the Joint Chiefs of Staff to act as and perform the duties of the Chairman until a successor to the Chairman or Vice Chairman is appointed or the absence or disability of the Chairman or Vice Chairman ceases.

"(f) PARTICIPATION IN JCS MEETINGS.—The Vice Chairman may participate in all meetings of the Joint Chiefs of Staff, but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman.

"(g) GRADE AND RANK.—The Vice Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Vice Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

"§ 155. Joint Staff

"(a) APPOINTMENT OF OFFICERS TO JOINT STAFF.—(1) There is a Joint Staff under the Chairman of the Joint Chiefs of Staff. The Joint Staff assists the Chairman and, subject to the authority, direction, and control of the Chairman, the other members of the Joint Chiefs of Staff and the Vice Chairman in carrying out their responsibilities.

"(2) Officers of the armed forces (other than the Coast Guard) assigned to serve on the Joint Staff shall be selected by the Chairman in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(3) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by the Secretary of the military department having jurisdiction over that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(b) DIRECTOR.—The Chairman of the Joint Chiefs of Staff, after consultation with the other members of the Joint Chiefs of Staff and with the approval of the Secretary of Defense, may select an officer to serve as Director of the Joint Staff.

"(c) MANAGEMENT OF JOINT STAFF.—The Chairman of the Joint Chiefs of Staff manages the Joint Staff and the Director of the Joint Staff. The Joint Staff shall perform such duties as the Chairman prescribes and shall perform such duties under such procedures as the Chairman prescribes.

"(d) OPERATION OF JOINT STAFF.—The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide—

"(1) for the unified strategic direction of the combatant forces;

"(2) for their operation under unified command; and

"(3) for their integration into an efficient team of land, naval, and air forces.

"(e) PROHIBITION OF FUNCTION AS ARMED FORCES GENERAL STAFF.—The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines.

"(f) TOUR OF DUTY OF JOINT STAFF OFFICERS.—(1) An officer who is assigned or detailed to permanent duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense.

"(2) In accordance with procedures established by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff may suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. Upon receipt of such a recommendation, the Secretary concerned shall promptly reassign the officer.

"(3) An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to permanent duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary.

"(4) Paragraphs (1) and (3) do not apply—

"(A) in time of war; or

"(B) during a national emergency declared by the President.

"(g) LIMITATION ON SIZE OF JOINT STAFF.—(1) Effective on October 1, 1988, the total number of members of the armed forces and civilian personnel assigned or detailed to permanent duty on the Joint Staff may not exceed 1,627.

"(2) Paragraph (1) does not apply—

"(A) in time of war; or

"(B) during a national emergency declared by Congress.

"(h) COMPOSITION OF JOINT STAFF.—(1) The Joint Staff is composed of all members of the armed forces and civilian employees assigned or detailed to permanent duty in the executive part of the Department of Defense to perform the functions and duties prescribed under subsections (a) and (c).

"(2) The Joint Staff does not include members of the armed forces or civilian employees assigned or detailed to permanent duty in a military department.".

SEC. 202. PROVISIONS RELATING TO VICE CHAIRMAN

(a) EXEMPTION OF VICE CHAIRMAN FROM 4-STAR GRADE LIMITATION.—Section 525(b)(3) is amended by inserting "or Vice Chairman" after "Chairman".

(b) RANK OF VICE CHAIRMAN.—Section 743 is amended—

(1) by striking out "and" after "Chief of Naval Operations,";

(2) by inserting ", and the Commandant of the Marine Corps" after "Air Force"; and

(3) by inserting "and the Vice Chairman" after "Chairman".

SEC. 203. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(e) The Chairman (or in his absence the Vice Chairman) of the Joint Chiefs of Staff may, in his role as principal military adviser to the National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 204. TRANSITION

(a) PREPAREDNESS EVALUATION SYSTEM.—The uniform system of evaluating the preparedness of each unified and specified combatant command required to be established by paragraph (3)(D) of section 153(a) of title 10, United States Code, as added by section 201 of this Act, shall be established not later than one year after the date of the enactment of this Act.

(b) DATE FOR FIRST REPORT.—The first report under section 153(b) of title 10, United States Code, as added by section 201 of this Act, shall be submitted by the Chairman of the Joint Chiefs of Staff not later than two years after the date of the enactment of this Act.

(c) WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS VICE CHAIRMAN OF JCS.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 154(b) of title 10, United States Code (as added by section 201 of this Act), relating to requirements for appointment of an officer as Vice Chairman of the Joint Chiefs of Staff.

(2) In exercising such waiver authority, the President may—

(A) waive the requirement that the officer have the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

PART B—COMBATANT COMMANDS

SEC. 211. ESTABLISHMENT OF COMBATANT COMMANDS AND AUTHORITY OF COMMANDERS

(a) IN GENERAL.—Part I of subtitle A is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—COMBATANT COMMANDS

"Sec.
"161. Combatant commands: establishment.
"162. Combatant commands: assigned forces; chain of command.
"163. Role of Chairman of Joint Chiefs of Staff.
"164. Commanders of combatant commands: assignment; powers and duties.
"165. Combatant commands: administration and support.
"166. Combatant commands: budget proposals.

"§ 161. Combatant commands: establishment

"(a) UNIFIED AND SPECIFIED COMBATANT COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

"(1) establish unified combatant commands and specified combatant commands to perform military missions; and

"(2) prescribe the force structure of those commands.

"(b) PERIODIC REVIEW.—(1) The Chairman periodically (and not less often than every two years) shall—

"(A) review the missions, responsibilities (including geographic boundaries), and force structure of each combatant command; and

"(B) recommend to the President, through the Secretary of Defense, any changes to such missions, responsibilities, and force structures as may be necessary.

"(2) Except during time of hostilities or imminent threat of hostilities, the President shall notify Congress not more than 60 days after—

"(A) establishing a new combatant command; or

"(B) significantly revising the missions, responsibilities, or force structure of an existing combatant command.

"(c) DEFINITIONS—In this chapter:

"(1) The term 'unified combatant command' means a military command which has broad, continuing missions and which is composed of forces from two or more military departments.

"(2) The term 'specified combatant command' means a military command which has broad, continuing missions and

which is normally composed of forces from a single military department.

"(3) The term 'combatant command' means a unified combatant command or a specified combatant command.

"§ 162. Combatant commands: assigned forces; chain of command

"(a) ASSIGNMENT OF FORCES.—(1) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant command.

"(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title.

"(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only—

"(A) by authority of the Secretary of Defense; and

"(B) under procedures prescribed by the Secretary and approved by the President.

"(4) Except as otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to a unified combatant command shall be assigned to, and under the command of, the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

"(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

"(1) from the President to the Secretary of Defense; and

"(2) from the Secretary of Defense to the commander of the combatant command.

"§ 163. Role of Chairman of Joint Chiefs of Staff

"(a) COMMUNICATIONS THROUGH CHAIRMAN OF JCS; ASSIGNMENT OF DUTIES.—Subject to the limitations in section 152(c) of this title, the President may—

"(1) direct that communications between the President or the Secretary of Defense and the commanders of the unified and specified combatant commands be transmitted through the Chairman of the Joint Chiefs of Staff; and

"(2) assign duties to the Chairman to assist the President and the Secretary of Defense in performing their command function.

"(b) OVERSIGHT BY CHAIRMAN OF JOINT CHIEFS OF STAFF.—(1) The Secretary of Defense may assign to the Chairman of the Joint Chiefs of Staff responsibility for overseeing the activities of the combatant commands. Such assignment by the Secretary to the Chair-

man does not confer any command authority on the Chairman and does not alter the responsibility of the commanders of the combatant commands prescribed in section 164(b)(2) of this title.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff serves as the spokesman for the commanders of the combatant commands, especially on the operational requirements of their commands. In performing such function, the Chairman shall—

"(A) confer with and obtain information from the commanders of the combatant commands with respect to the requirements of their commands;

"(B) evaluate and integrate such information;

"(C) advise and make recommendations to the Secretary of Defense with respect to the requirements of the combatant commands, individually and collectively; and

"(D) communicate, as appropriate, the requirements of the combatant commands to other elements of the Department of Defense.

"§ 164. Commanders of combatant commands: assignment; powers and duties

"(a) ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may assign an officer to serve as the commander of a unified or specified combatant command only if the officer—

"(A) has the joint specialty under section 661 of this title; and

"(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

"(2) The President may waive paragraph (1) in the case of an officer if the President determines that such action is necessary in the national interest.

"(b) RESPONSIBILITIES OF COMBATANT COMMANDERS.—(1) The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President.

"(2) Subject to the direction of the President, the commander of a combatant command—

"(A) performs his duties under the authority, direction, and control of the Secretary of Defense; and

"(B) is directly responsible to the Secretary for the preparedness of the command to carry out missions assigned to the command.

"(c) COMMAND AUTHORITY OF COMBATANT COMMANDERS.—(1) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—

"(A) giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

"(B) prescribing the chain of command to the commands and forces within the command;

"(C) organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

"(D) employing forces within that command as he considers necessary to carry out missions assigned to the command;

"(E) assigning command functions to subordinate commanders;

"(F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command; and

"(G) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in subsections (e), (f), and (g) of this section and section 822(a) of this title, respectively.

"(2)(A) The Secretary of Defense shall ensure that a commander of a combatant command has sufficient authority, direction, and control over the commands and forces assigned to the command to exercise effective command over those commands and forces. In carrying out this subparagraph, the Secretary shall consult with the Chairman of the Joint Chiefs of Staff.

"(B) The Secretary shall periodically review and, after consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of the combatant command, assign authority to the commander of the combatant command for those aspects of administration and support that the Secretary considers necessary to carry out missions assigned to the command.

"(3) If a commander of a combatant command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

"(d) AUTHORITY OVER SUBORDINATE COMMANDERS.—Unless otherwise directed by the President or the Secretary of Defense—

"(1) commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the commander of the combatant command on all matters for which the commander of the combatant command has been assigned authority under subsection (c);

"(2) the commander of a command or force referred to in clause (1) shall communicate with other elements of the Department of Defense on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command;

"(3) other elements of the Department of Defense shall communicate with the commander of a command or force referred to in clause (1) on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command; and

"(4) if directed by the commander of the combatant command, the commander of a command or force referred to in clause (1) shall advise the commander of the combatant command of all communications to and from other elements of the Department of Defense on any matter for which the commander of the combatant command has not been assigned authority under subsection (c).

"(e) SELECTION OF SUBORDINATE COMMANDERS.—(1) An officer may be assigned to a position as the commander of a command directly subordinate to the commander of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

"(A) with the concurrence of the commander of the combatant command; and

"(B) in accordance with procedures established by the Secretary of Defense.

"(2) The Secretary of Defense may waive the requirement under paragraph (1) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer if the Secretary of Defense determines that such action is in the national interest.

"(3) The commander of a combatant command shall—

"(A) evaluate the duty performance of each commander of a command directly subordinate to the commander of such combatant command; and

"(B) submit the evaluation to the Secretary of the military department concerned and the Chairman of the Joint Chiefs of Staff.

"(f) COMBATANT COMMAND STAFF.—(1) Each unified and specified combatant command shall have a staff to assist the commander of the command in carrying out his responsibilities. Positions of responsibility on the combatant command staff shall be filled by officers from each of the armed forces having significant forces assigned to the command.

"(2) An officer may be assigned to a position on the staff of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

"(A) with the concurrence of the commander of such command; and

"(B) in accordance with procedures established by the Secretary of Defense.

"(3) The Secretary of Defense may waive the requirement under paragraph (2) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer to serve on the staff of the combatant command if the Secretary of Defense determines that such action is in the national interest.

"(g) AUTHORITY TO SUSPEND SUBORDINATES.—In accordance with procedures established by the Secretary of Defense, the commander of a combatant command may suspend from duty and recommend

the reassignment of any officer assigned to such combatant command.

"§ 165. Combatant commands: administration and support

"(a) IN GENERAL.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide for the administration and support of forces assigned to each combatant command.

"(b) RESPONSIBILITY OF SECRETARIES OF MILITARY DEPARTMENTS.—Subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title, the Secretary of a military department is responsible for the administration and support of forces assigned by him to a combatant command.

"(c) ASSIGNMENT OF RESPONSIBILITY TO OTHER COMPONENTS OF DOD.—After consultation with the Secretaries of the military departments, the Secretary of Defense may assign the responsibility (or any part of the responsibility) for the administration and support of forces assigned to the combatant commands to other components of the Department of Defense (including Defense Agencies and combatant commands). A component assigned such a responsibility shall discharge that responsibility subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title.

"§ 166. Combatant commands: budget proposals

"(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

"(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

"(1) Joint exercises.

"(2) Force training.

"(3) Contingencies.

"(4) Selected operations.".

(b) COURT-MARTIAL JURISDICTION.—Section 822(a) (article 22(a) of the Uniform Code of Military Justice) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) the Secretary of Defense;

"(3) the commanding officer of a unified or specified combatant command;".

(c) REPEAL OF SECTION 124.—(1) Section 124 is repealed.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to that section.

SEC. 212. INITIAL REVIEW OF COMBATANT COMMANDS

(a) MATTERS TO BE CONSIDERED.—The first review of the missions, responsibilities (including geographic boundaries), and force structure of the unified and specified combatant commands under section 161(b) of title 10, United States Code, as added by section 211 of this Act, shall include consideration of the following:

(1) Creation of a unified combatant command for strategic missions which would combine—

(A) the missions, responsibilities, and forces of the Strategic Air Command;

(B) the strategic missions, responsibilities, and forces of the Army and Navy; and

(C) other appropriate strategic missions, responsibilities, and forces of the armed forces.

(2) Creation of a unified combatant command for special operations missions which would combine the special operations missions, responsibilities, and forces of the armed forces.

(3) Creation of a unified combatant command for transportation missions which would combine the transportation missions, responsibilities, and forces of the Military Traffic Management Command, the Military Sealift Command, and the Military Airlift Command.

(4) Creation of a unified combatant command for missions relating to defense of Northeast Asia.

(5) Revision of the geographic area for which the United States Central Command has responsibility so as to include—

(A) the ocean areas adjacent to Southwest Asia; and

(B) the region of the Middle East that is assigned to the United States European Command.

(6) Revision of the geographic area for which the United States Southern Command has responsibility so as to include the ocean areas adjacent to Central America.

(7) Revision of the geographic area for which the United States Pacific Command has responsibility so as to include all of the State of Alaska.

(8) Revision of the missions and responsibilities of the United States Readiness Command so as to include—

(A) an enhanced role in securing the borders of the United States; and

(B) assignment of regions of the world not assigned as part of the geographic area of responsibility of any other unified combatant command.

(9) Revision of the division of missions and responsibilities between the United States Central Command and the United States Readiness Command.

(10) Elimination of the command designated as United States Forces, Caribbean.

(b) DEADLINE.—The first report to the President under such section shall be made not later than one year after the date of the enactment of this Act.

SEC. 213. REPEAL OF CERTAIN LIMITATIONS ON COMMAND STRUCTURE

(a) PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS.—Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

(b) PROHIBITION AGAINST ALTERING COMMAND STRUCTURE FOR MILITARY FORCES IN ALASKA.—Section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 214. TRANSITION

(a) ASSIGNMENT OF FORCES TO COMBATANT COMMANDS.—Section 162(a) of title 10, United States Code (as added by section 211 of this Act), shall be implemented not later than 90 days after the date of the enactment of this Act.

(b) WAIVER OF QUALIFICATIONS FOR ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 164(a) of title 10, United States Code (as added by section 201 of this Act), relating to the assignment of commanders of the combatant commands.

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement that the officer have the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

(c) SELECTION AND SUSPENSION FROM DUTY OF SUBORDINATE OFFICERS.—Subsections (e), (f), and (g) of section 164 of title 10, United States Code (as added by section 211 of this Act), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act, or on such earlier date as may be prescribed by the Secretary of Defense.

(d) BUDGET PROPOSALS.—Section 166 of title 10, United States Code (as added by section 211 of this Act), shall take effect with budget proposals for fiscal year 1989.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SEC. 301. ESTABLISHMENT AND MANAGEMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

(a) IN GENERAL.—Chapter 8 is amended—

(1) by redesignating section 191 as section 201; and

(2) by striking out the chapter heading and the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

"Subchapter	Sec.
"I. Common Supply and Service Activities	191
"II. Miscellaneous Defense Agency Matters	201

"SUBCHAPTER I—COMMON SUPPLY AND SERVICE ACTIVITIES

"Sec.
"191. Secretary of Defense: authority to provide for common performance of supply or service activities.
"192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense.
"193. Combat support agencies: oversight.
"194. Limitations on personnel.

"§ 191. Secretary of Defense: authority to provide for common performance of supply or service activities

"(a) AUTHORITY.—Whenever the Secretary of Defense determines such action would be more effective, economical, or efficient, the Secretary may provide for the performance of a supply or service activity that is common to more than one military department by a single agency of the Department of Defense.

"(b) DESIGNATION OF COMMON SUPPLY OR SERVICE AGENCY.—Any agency of the Department of Defense established under subsection (a) (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) for the performance of a supply or service activity referred to in such subsection shall be designated as a Defense Agency or a Department of Defense Field Activity.

"§ 192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense

"(a) OVERALL SUPERVISION.—(1) The Secretary of Defense shall assign responsibility for the overall supervision of each Defense Agency and Department of Defense Field Activity designated under section 191(b) of this title—

"(A) to a civilian officer within the Office of the Secretary of Defense listed in section 131(b) of this title; or

"(B) to the Chairman of the Joint Chiefs of Staff.

"(2) An official assigned such a responsibility with respect to a Defense Agency or Department of Defense Field Activity shall advise the Secretary of Defense on the extent to which the program *recommendations and budget proposals of such agency or activity conform with the requirements of the military departments and of the unified and specified combatant commands.*

"(3) This subsection does not apply to the Defense Intelligence Agency or the National Security Agency.

"(b) PROGRAM AND BUDGET REVIEW.—The Secretary of Defense shall establish procedures to ensure that there is full and effective review of the program recommendations and budget proposals of each Defense Agency and Department of Defense Field Activity.

"(c) PERIODIC REVIEW.—(1) Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by each Defense Agency and Department of Defense Field Activity to ensure that—

"(A) there is a continuing need for each such agency and activity; and

"(B) the provision of those services and supplies by each such agency and activity, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies or of meeting the requirements for combat readiness of the armed forces.

"(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

"§ 193. Combat support agencies: oversight

"(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

"(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

"(B) any recommendations that the Chairman considers appropriate.

"(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

"(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

"(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

"(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change

that the Chairman considers appropriate to improve that performance.

"(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

"(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, but only with respect to combat support functions the Agency performs for the Department of Defense.

"(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency.

"(e) COMBAT SUPPORT CAPABILITIES OF DIA AND NSA.—The Secretary of Defense, in consultation with the Director of Central Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency and the National Security Agency to accomplish assigned missions in support of military combat operations.

"(f) DEFINITION OF COMBAT SUPPORT AGENCY—In this section, the term 'combat support agency' means any of the following Defense Agencies:

"(1) The Defense Communications Agency.

"(2) The Defense Intelligence Agency.

"(3) The Defense Logistics Agency.

"(4) The Defense Mapping Agency.

"(5) Any other Defense Agency designated as a combat support agency by the Secretary of Defense.

"§ 194. Limitations on personnel

"(a) CAP ON HEADQUARTERS MANAGEMENT PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

"(b) CAP ON OTHER PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned to management headquarters activities or management headquarters support activities, may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

"(c) PROHIBITION AGAINST CERTAIN ACTIONS TO EXCEED LIMITATIONS.—The limitations in subsections (a) and (b) may not be exceed-

ed by recategorizing or redefining duties, functions, offices, or organizations.

"(d) Exclusion of NSA.—The National Security Agency shall be excluded in computing and maintaining the limitations required by this section.

"(e) Waiver.—The limitations in this section do not apply—

"(1) in time of war; or

"(2) during a national emergency declared by Congress.

"(f) Definitions.—In this section, the terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled 'Department of Defense Management Headquarters and Headquarters Support Activities' and dated January 7, 1985.

"SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

"Sec.
"201. Unauthorized use of Defense Intelligence Agency name, initials, or seal.".

(b) Conforming Amendments.—(1) Section 125 is amended by striking out subsection (d).

(2) Subsection (c)(2) of section 113 (as redesignated by section 101(a)) is amended by striking out "section 125" and inserting in lieu thereof "sections 125 and 191".

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

Section 101 is amended by adding at the end the following new paragraphs:

"(44) 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(45) 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.".

SEC. 303. REASSESSMENT OF DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

(a) SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The study shall determine the most effective, economical, or efficient means of providing supply or service activities common to more than one military department, after considering the matters set forth in subsection (d) and the reports submitted under subsection (b).

(2) To the extent that the most effective, economical, or efficient means of providing those activities is determined under paragraph (1) to be the existing Defense Agency and Department of Defense Field Activity structure, the study shall analyze methods to improve the performance and responsiveness of Defense Agencies and Department of Defense Field Activities with respect to the entities to which they provide supplies and services, particularly with regard to the unified and specified combatant commands.

(b) SERVICE SECRETARIES AND CHAIRMAN OF THE JCS.—The Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff shall each conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The Secretaries and Chairman shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter set forth in subsection (d).

(c) NATIONAL SECURITY AGENCY.—This section shall apply to the National Security Agency as determined appropriate by the Secretary of Defense, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) MATTERS CONSIDERED.—The studies required by subsections (a) and (b) shall consider the following matters:

(1) Whether the existing allocation of functions to, and organizational structure of, the Defense Agencies and Department of Defense Field Activities meet the statutory requirement of providing a supply or service activity common to more than one military department in a more effective, economical, or efficient manner.

(2) Alternative allocations of authority and functions assigned to the Defense Agencies and Department of Defense Field Activities, including—

(A) various possible redistributions of responsibilities among those agencies and activities;

(B) transfer of the responsibility for those functions to—

(i) the Secretaries of the military departments;

(ii) the appropriate officers in the Office of the Secretary of Defense;

(iii) the Chairman of the Joint Chiefs of Staff; or

(iv) the commanders of unified or specified combatant commands;

(C) creation of new Defense Agencies or Department of Defense Field Activities;

(D) consolidation of two or more such agencies and activities;

(E) elimination of any such agency or activity; and

(F) other organizational changes in the Department of Defense designed to make the performance of those functions more effective, economical, or efficient.

(3) Whether the requirements of the amendments made by section 301 will have the effect of ensuring the readiness and responsiveness of the Defense Agencies in the event of a war or threat to national security and whether any additional legislation is necessary to ensure such readiness and responsiveness.

(4) Additional legislative or administrative actions that the Secretary considers necessary to ensure effective oversight of Defense Agency and Department of Defense Field Activity resource management, personnel policies, and budget procedures and to clarify supervisory responsibilities.

(5) Whether the findings and recommendations of the report of March 1979 entitled "Report to the Secretary of Defense of the Defense Agency Review" and directed by Major General Theodore Antonelli, United States Army (Retired), should be the basis for additional legislative or administrative actions.

(e) REPORT.—The Secretary of Defense shall submit to Congress a report that includes the following:

(1) A report on the study required by subsection (a) that includes—

(A) a discussion of and recommendations concerning each matter set forth in subsection (d); and

(B) a discussion of the reports required by subsection (b).

(2) A copy of each report required by subsection (b).

(3) A study of the improved application of computer systems to functions of Defense Agencies and Department of Defense Field Activities, including a plan for the rapid replacement, where necessary, of existing automated data processing equipment with new equipment.

(4) Plans to achieve reductions in the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities (other than the National Security Agency) by 5 percent, 10 percent, and 15 percent of the total number of such members and employees projected to be assigned or detailed to such duty on September 30, 1988, together with a discussion of the implications of each such reduction and a draft of any legislation that would be required to implement each such plan.

(f) DEADLINE FOR SUBMISSION.—The report required by subsection (e) shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 304. TRANSITION

(a) SECRETARY OF DEFENSE REVIEW OF DEFENSE AGENCIES.—The first review under section 192(c) of title 10, United States Code (as added by section 301(a)), shall be completed not later than two years after the date that the report under section 303(e) is required to be submitted to Congress.

(b) Report and Other Actions by Chairman of JCS.—The first report under subsection (a) of section 193 of such title (as added by section 301(a)) shall be submitted, and subsections (b) and (c) of such section shall be implemented, not later than one year after the date of the enactment of this Act. The Secretary of Defense shall provide a report on the implementation of such subsections (b) and (c) in the report of the Secretary submitted to Congress for 1988 under section 113(c) of title 10, United States Code (as redesignated by section 101(a)).

TITLE IV—JOINT OFFICER PERSONNEL POLICY

SEC. 401. JOINT OFFICER MANAGEMENT

(a) Establishment of Joint Officer Management Policies.—Part II of subtitle A is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—JOINT OFFICER MANAGEMENT

"Sec.
"661. Management policies for joint specialty officers.
"662. Promotion policy objectives for joint officers.
"663. Education.
"664. Length of joint duty assignments.
"665. Procedures for monitoring careers of joint officers.
"666. Reserve officers not on the active-duty list.
"667. Annual report to Congress.
"668. Definitions.

"§ 661. Management policies for joint specialty officers

"(a) Establishment.—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) in such manner as the Secretary of Defense directs. For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as having, or having been nominated for, the 'joint specialty'.

"(b) Numbers and Selection.—(1) The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

"(2) Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

"(A) who meet qualifications prescribed by the Secretary of Defense; and

"(B) who—

"(i) are senior captains or, in the case of the Navy, senior lieutenants; or

"(ii) are serving in the grade of major or lieutenant commander or a higher grade.

"(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

"(A) successfully completes an appropriate program at a joint professional military education school; and

"(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

"(2) An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) and who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer's selection.

"(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

"(2) The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by an officer with the joint specialty.

"(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for—

"(1) selection;
"(2) military education;
"(3) training;
"(4) types of duty assignments; and
"(5) such other matters as the Secretary considers appropriate.

"§ 662. Promotion policy objectives for joint officers

"(a) QUALIFICATIONS.—The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—

"(1) officers who are serving on, or have served on, the Joint Staff are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force;

"(2) officers who have the joint specialty are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

"(3) officers who are serving in, or have served in, joint duty assignments (other than officers covered in paragraphs (1) and (2)) are expected, as a group, to be promoted at a rate not less

than the rate for all officers of the same armed force in the same grade and competitive category.

"(b) REPORT.—The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates of officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of clauses (1), (2), and (3) of subsection (a). If such promotion rates fail to meet such objectives, the Secretary shall immediately notify Congress of such failure and of what action the Secretary has taken or plans to take to prevent further failures.

"§ 663. Education

"(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—(1) Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

"(B) when necessary for the good of the service;

"(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

"(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

"(3) The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall periodically review and revise the curriculum of each school of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint matters. The Secretary shall require such schools to maintain rigorous standards for the military education of officers with the joint specialty.

"(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curriculum for senior and intermediate grade officers in order to strengthen the focus on—

"(1) joint matters; and

"(2) preparing officers for joint duty assignments.

"(d) Post-Education Duty Assignments.—The Secretary of Defense shall ensure that—

"(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment; and

"(2) a high proportion (which shall be greater than 50 percent) of the other officers graduating from a joint professional military education school also receive assignments to a joint duty assignment as their next duty assignment.

"§ 664. Length of joint duty assignments

"(a) General Rule.—The length of a joint duty assignment—

"(1) for general and flag officers shall be not less than three years; and

"(2) for other officers shall be not less than three and one half years.

"(b) Waiver Authority.—The Secretary of Defense may waive subsection (a) in the case of any officer, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

"(c) Certain Officers With Critical Combat Operations Skills.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Such an assignment may not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

"(d) Exception.—(1) Subsection (a) does not apply in the case of an officer who fails to complete a joint duty assignment as the result of—

"(A) retirement;

"(B) separation from active duty; or

"(C) suspension from duty under section 155(f)(2) or 164(g) of this title.

"(2) In computing the average length of joint duty assignments for purposes of this section, the Secretary of Defense shall exclude joint duty assignments not completed because of a reason specified in paragraph (1).

"§ 665. Procedures for monitoring careers of joint officers

"(a) Procedures.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

"(A) officers with the joint specialty; and

"(B) other officers who serve in joint duty assignments.

"(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

"(b) Function of Joint Staff.—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

"(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

"(2) otherwise advise the Chairman on joint personnel matters.

"§ 666. Reserve officers not on the active-duty list

"The Secretary of Defense shall establish personnel policies emphasizing education and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserve components, be similar to the policies provided by this chapter.

"§ 667. Annual report to Congress

"The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

"(1) The number of officers selected for the joint specialty and their education and experience.

"(2) The promotion rate for officers considered for promotion from within the promotion zone who are serving on the Joint Staff compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the armed force concerned.

"(3) The promotion rate for officers with the joint specialty, compared in the same manner as specified in paragraph (2).

"(4) The promotion rate for other officers who are serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(5) The promotion rate for officers considered for promotion from below the promotion zone, shown for officers serving on the Joint Staff, officers with the joint specialty, and other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

"(6) An analysis of assignments of officers after selection for the joint specialty.

"(7) The average length of tours of duty in joint duty assignments—

"(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

"(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

"(8) In any case in which the information under paragraphs (2) through (5) shows a significant imbalance between officers serving in joint duty assignments or having the joint specialty and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

"(9) An analysis of the extent to which the Secretary of each military department is providing officers to fill that department's share (as determined by law or by the Secretary of Defense) of Joint Staff and other joint duty assignments, including the reason for any significant failure by a military department to fill its share of such positions and a discussion of the actions being taken to correct the shortfall.

"(10) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and the performance of each military department in carrying out this chapter.

"§ 668. Definitions

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

"(1) national military strategy;

"(2) strategic planning and contingency planning; and

"(3) command and control of combat operations under unified command.

"(b) JOINT DUTY ASSIGNMENT.—(1) The Secretary of Defense shall by regulation define the term 'joint duty assignment' for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

"(A) assignments for joint training or joint education; and

"(B) assignments within an officer's own military department.

"(2) The Secretary shall publish a list showing—

"(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

"(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 37 the following new item:

"38. Joint Officer Management .... 661".

SEC. 402. PROMOTION PROCEDURES FOR JOINT OFFICERS

(a) COMPOSITION OF SELECTION BOARDS.—Section 612 is amended by adding at the end the following new subsection:

"(c) Each selection board convened under section 611(a) of this title that will consider officers who are serving in, or have served in, joint duty assignments shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.".

(b) GUIDANCE TO SELECTION BOARDS.—Section 615 is amended—

(1) by inserting "(a)" before "The Secretary of the";

(2) by striking out "and" at the end of clause (4);

(3) by redesignating clause (5) as clause (6);

(4) by inserting after clause (4) the following new clause (5):

"(5) guidelines, based upon guidelines received by the Secretary from the Secretary of Defense under subsection (b), for the purpose of ensuring that the board gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall furnish to the Secretaries of the military departments guidelines for the purpose of ensuring that each selection board convened under section 611(a) of this title gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.".

(c) Review of Promotion Lists by Chairman of JCS.—Section 618 is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) After completing the requirements of subsection (a), the Secretary concerned, in the case of the report of a selection board that considered officers who are serving, or have served, in joint duty assignments, shall submit the report to the Chairman of the Joint Chiefs of Staff.

"(2) The Chairman, in accordance with guidelines furnished to the Chairman by the Secretary of Defense, shall review the report for the purpose of determining if—

"(A) the selection board acted consistent with the guidelines of the Secretary of Defense under section 615(b) of this title to ensure that selection boards give appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and

"(B) the selection board otherwise gave appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.

"(3) After reviewing the report, the Chairman shall return the report, with his determinations and comments, to the Secretary concerned.

"(4) If the Chairman determines that the board acted contrary to the guidelines of the Secretary of Defense under section 615(b) of this title or otherwise failed to give appropriate consideration to the performance of officers in joint duty assignments, the Secretary concerned may—

"(A) return the report, together with the Chairman's determinations and comments, to the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) for further proceedings in accordance with subsection (a);

"(B) convene a special selection board in the manner provided for under section 628 of this title; or

"(C) take other appropriate action to satisfy the concerns of the Chairman.

"(5) If, after completion of all actions taken under paragraph (4), the Secretary concerned and the Chairman remain in disagreement with respect to the report of a selection board, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include any comments submitted by the Chairman."; and

(3) by adding at the end of paragraph (1) of subsection (c) (as redesignated by paragraph (1)) the following new sentence: "The Secretary of Defense shall, before transmitting the report of a selection board to the President, take appropriate action to resolve any disagreement between the Secretary concerned and the Chairman transmitted to him under subsection (b)(5).".

SEC. 403. CONSIDERATION OF JOINT DUTY IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS AND ADVICE ON QUALIFICATIONS

Section 601 is amended by adding at the end the following new subsection:

"(d)(1) When an officer is recommended to the President for an initial appointment to the grade of lieutenant general or vice admiral, or for an initial appointment to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of that officer as a member of the Joint Staff and in other joint duty assignments. The Secretary of Defense shall submit the Chairman's evaluation to the President at the same time the recommendation for the appointment is submitted to the President.

"(2) Whenever a vacancy occurs in a position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral or in an office that is designated by law to carry such a grade, the Secretary of Defense shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.".

SEC. 404. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER GRADE

Section 619 is amended by adding at the end the following new subsection:

"(e)(1) An officer may not be selected for promotion to the grade of brigadier general or rear admiral (lower half) unless the officer has served in a joint duty assignment.

"(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

"(A) when necessary for the good of the service;

"(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

"(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

"(D) until January 1, 1992, in the case of an officer who served before the date of the enactment of this subsection in an

assignment (other than a joint duty assignment) that involved significant experience in joint matters (as determined by the Secretary).

"(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

"(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

"(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B), (2)(C), or (2)(D) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

"(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.".

SEC. 405. ANNUAL REPORT ON IMPLEMENTATION

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of title 10, United States Code (as redesignated by section 101(a)), for each year from 1987 through 1991 a detailed report on the implementation of this title and the amendments made by this title.

SEC. 406. TRANSITION

(a) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code (as added by section 401), shall be implemented as rapidly as possible and not later than two years after the date of the enactment of this Act.

(2) The list of positions that are joint duty assignment positions, including identification of those positions that are critical joint duty assignment positions, required to be published by section 668(b)(2) of such title shall be published not later than six months after the date of the enactment of this Act.

(b) JOINT SPECIALTY.—

(1) INITIAL SELECTIONS.—(A) In making the initial selections of officers for the joint specialty under section 661 of title 10, United States Code (as added by section 401 of this Act), the Secretary of Defense may waive the requirement of either subparagraph (A) or (B) (but not both) of subsection (c)(1) of such section in the case of any officer in a grade above captain or, in the case of the Navy, lieutenant.

(B) In applying such subparagraph (B) to the initial selections of officers for the joint specialty, the Secretary may in the case of any officer—

(i) waive the requirement that a joint duty assignment be served after the officer has completed an appropriate program at a joint professional military education school;

(ii) waive the requirement for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(iii) consider as a joint duty assignment any tour of duty served by the officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under the regulations in effect at the time the assignment began.

(C) A waiver under subparagraph (A) of this paragraph or under any provision of subparagraph (B) of this paragraph may only be made on a case-by-case basis.

(D) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) or (B) of this paragraph may be delegated only to the Deputy Secretary of Defense.

(2) REQUIREMENT FOR HIGH STANDARDS.—In exercising the authority provided by paragraph (1), the Secretary of Defense shall ensure that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

(3) SUNSET.—The authority provided by paragraph (1) shall expire two years after the date of the enactment of this Act.

(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title (as added by section 401) shall be established not later than the end of the eight-month period beginning on the date of the enactment of this Act. The provisions of section 665(b) of such title shall be implemented not later than the end of such period.

(d) EDUCATION.—

(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title (as added by section 401) shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

(3) POST-EDUCATION DUTY ASSIGNMENTS.—Subsection (d) of such section shall take effect with respect to classes graduating from joint professional military education schools after January 1987.

(e) LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (a) of section 664 of title 10, United States Code (as added by section 401), shall apply to officers assigned to joint duty assignments after the end of the 90-day period beginning on the date of the enactment of this Act. In computing an average under subsection (b) of such section, only joint duty assignments to which such subsection applies shall be considered.

(f) PROMOTION POLICY.—The amendments made by section 402 shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 120-day period beginning on the date of the enactment of this Act.

(g) INITIAL REPORT.—The first report submitted by the Secretary of Defense after the date of the enactment of this Act under section 113(c) of title 10, United States Code (as redesignated by section 101), shall contain as much of the information required by section 667 of such title (as added by section 401) as is available to the Secretary at the time of the preparation of the report.

TITLE V—MILITARY DEPARTMENTS

PART A—DEPARTMENT OF THE ARMY

SEC. 501. THE ARMY SECRETARIAT

(a) AMENDMENTS TO CHAPTER 303.—(1) Section 3015 is transferred to the end of chapter 305 and redesignated as section 3040.

(2) Sections 3010, 3011, 3012, 3013, and 3014 are redesignated as sections 3011, 3012, 3013, 3014, and 3015, respectively.

(3) Section 3016 is transferred within chapter 303 to appear after section 3017 and is redesignated as section 3018.

(4) Section 3019 is transferred to chapter 305, inserted after section 3037, and redesignated as section 3038.

(5) Chapter 303 is amended by striking out sections 3013, 3014, and 3015 (as redesignated by paragraph (2)) and inserting in lieu thereof the following:

"§ 3013. Secretary of the Army

"(a)(1) There is a Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army.

"(2) A person may not be appointed as Secretary of the Army within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army, including the following functions:

"(1) Recruiting.

"(2) Organizing.

"(3) Supplying.

"(4) Equipping (including research and development).

"(5) Training.

"(6) Servicing.

"(7) Mobilizing.

"(8) Demobilizing.

"(9) Administering (including the morale and welfare of personnel).

"(10) Maintaining.

"(11) The construction, outfitting, and repair of military equipment.

"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Army;

"(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

"(4) carrying out the functions of the Department of the Army so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Army.

"(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Army may—

"(1) assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army;

"(2) change the title of any officer or activity of the Department of the Army not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.

"§ 3014. Office of the Secretary of the Army

"(a) There is in the Department of the Army an Office of the Secretary of the Army. The function of the Office is to assist the Secretary of the Army in carrying out his responsibilities.

"(b) The Office of the Secretary of the Army is composed of the following:

"(1) The Under Secretary of the Army.

"(2) The Assistant Secretaries of the Army.

"(3) The Administrative Assistant to the Secretary of the Army.

"(4) The General Counsel of the Department of the Army.

"(5) The Inspector General of the Army.

"(6) The Army Reserve Forces Policy Committee.

"(7) Such other offices and officials as may be established by law or as the Secretary of the Army may establish or designate.

"(c)(1) The Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the following functions:

"(A) Acquisition.

"(B) Auditing.

"(C) Comptroller (including financial management).

"(D) Information management.

"(E) Inspector General.

"(F) Legislative affairs.

"(G) Public affairs.

"(2) The Secretary of the Army shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Army Staff to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Army of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Army (including the Army Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Army.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the function of research and development.

"(2) The Secretary of the Army may assign to the Army Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct the function specified in paragraph (1).

"(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Army and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Army shall ensure that the Office of the Secretary of the Army and the Army Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 3,105.

"(2) Not more than 1,865 officers of the Army on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff.

"(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Army or on the Army Staff.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 3015. Under Secretary of the Army

"(a) There is an Under Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

"§ 3016. Assistant Secretaries of the Army

"(a) There are five Assistant Secretaries of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

"(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of

the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes.".

(6) Section 3017 is amended—

(A) by striking out "(a)" at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Army, in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense."; and

(C) by striking out subsection (b).

(7) Chapter 303 is further amended by adding at the end the following new sections:

"§ 3019. General Counsel

"(a) There is a General Counsel of the Department of the Army, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Army may prescribe.

"§ 3020. Inspector General

"(a) There is an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from the general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

"(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

"(1) inquire into and report upon the discipline, efficiency, and economy of the Army; and

"(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Army.

"(e) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(8) Section 3033 is transferred to the end of chapter 303 (as amended by paragraph (7)), redesignated as section 3021, and amended—

(A) in subsection (a)—

(i) by striking out "office" and inserting in lieu thereof "Office";

(ii) by striking out "Committee which" and inserting in lieu thereof "Committee. The Committee";

(iii) by inserting "and the mobilization preparedness" after "reserve components";

(iv) by striking out "Army, and the" and inserting in lieu thereof "Army. The"; and

(v) by striking out "Chief of Staff and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Army and the Chief of Staff";

(B) in subsection (h), by striking out "General" each place it appears; and

(C) by striking out the section heading and inserting in lieu thereof the following:

"§ 3021. Army Reserve Forces Policy Committee".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 303 is amended to read as follows:

"Sec.
"3011. Organization.
"3012. Department of the Army: seal.
"3013. Secretary of the Army.
"3014. Office of the Secretary of the Army.
"3015. Under Secretary of the Army.
"3016. Assistant Secretaries of the Army.
"3017. Secretary of the Army: successors to duties.
"3018. Administrative Assistant.
"3019. General Counsel.
"3020. Inspector General.
"3021. Army Reserve Forces Policy Committee.".

SEC. 502. THE ARMY STAFF

(a) COMPOSITION OF THE ARMY STAFF.—Section 3031 is amended to read as follows:

"§ 3031. The Army Staff: function; composition

"(a) There is in the executive part of the Department of the Army an Army Staff. The function of the Army Staff is to assist the Secretary of the Army in carrying out his responsibilities.

"(b) The Army Staff is composed of the following:

"(1) The Chief of Staff.

"(2) The Vice Chief of Staff.

"(3) The Deputy Chiefs of Staff.

"(4) The Assistant Chiefs of Staff.

"(5) The Chief of Engineers.

"(6) The Surgeon General of the Army.

"(7) The Judge Advocate General of the Army.

"(8) The Chief of Chaplains of the Army.

"(9) The Chief of Army Reserve.

"(10) Other members of the Army assigned or detailed to the Army Staff.

"(11) Civilian employees of the Department of the Army assigned or detailed to the Army Staff.

"(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.".

(b) GENERAL DUTIES.—(1) Subsection (a) of section 3032 is amended by inserting "and to the Chief of Staff of the Army" before the period.

(2) Subsection (b) of such section is amended—

(A) by striking out "direction and control of the Secretary" in the matter preceding clause (1) and inserting in lieu thereof "authority, direction, and control of the Secretary of the Army";

(B) by inserting "subject to subsections (c) and (d) of section 3014 of this title," before "prepare" in clause (1);

(C) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining";

(D) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

"(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Army; and".

(3) The heading of such section is amended to read as follows:

"§ 3032. The Army Staff: general duties".

(c) CHIEF OF STAFF.—Section 3034 is redesignated as section 3033 and is amended to read as follows:

"§ 3033. Chief of Staff

"(a)(1) There is a Chief of Staff of the Army, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Army. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Chief of Staff only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

"(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

"(1) preside over the Army Staff;

"(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Army as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Army.

"(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Army.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Army fully informed of significant military operations affecting the duties and responsibilities of the Secretary.".

(d) VICE CHIEF OF STAFF.—Section 3035 is redesignated as section 3034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Army, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

"(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his permanent grade.";

(2) by adding at the end the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army in the Army Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"§ 3034. Vice Chief of Staff".

(e) Deputy Chiefs of Staff.—Chapter 305 is further amended by inserting after section 3034 (as redesignated by subsection (d) of this section) the following new section:

"§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

"(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

"(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

"(1) there may not be more than five Deputy Chiefs of Staff; and

"(2) there may not be more than three Assistant Chiefs of Staff.".

(f) Repeal of Section for Provost Marshal General.—(1) Section 3039 is repealed.

(2) Section 3040 (relating to Deputy and Assistant Chiefs of Branches) is redesignated as section 3039 and is amended by striking out "sections 3036 and 3039" in subsection (a) and inserting in lieu thereof "section 3036".

(3) Section 3081(a) is amended by striking out "section 3040" and inserting in lieu thereof "section 3039".

(g) Technical and Clerical Amendments.—(1) Section 3038 (as redesignated by section 501(a)(4) of this Act) is amended by striking out "services" in subsection (c) and inserting in lieu thereof "service".

(2) The table of sections at the beginning of chapter 305 is amended to read as follows:

"Sec.
"3031. The Army Staff: function; composition.
"3032. The Army Staff: general duties.
"3033. Chief of Staff.
"3034. Vice Chief of Staff.
"3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.
"3036. Chiefs of branches: appointment; duties.
"3037. Judge Advocate General, Assistant Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.
"3038. Office of Army Reserve: appointment of Chief.
"3039. Deputy and assistant chiefs of branches.
"3040. Chief of National Guard Bureau: appointment; acting chief.".

SEC. 503. AUTHORITY TO ORGANIZE ARMY INTO COMMANDS, FORCES, AND ORGANIZATIONS

Section 3074(a) is amended by inserting "or by the Secretary of Defense" after "by law".

Part B—Department of the Navy

SEC. 511. THE NAVY SECRETARIAT

(a) Repeal of Superseded Chapter.—Chapter 507 is repealed.

(b) Transfer of Sections Providing For Composition of the Department of the Navy.—(1) Part I of subtitle C is amended by inserting after chapter 505 the following new chapter 507:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY

"Sec.
"5061. Department of the Navy: composition.
"5062. United States Navy: composition; functions.
"5063. United States Marine Corps: composition; functions.

"§ 5061. Department of the Navy: composition

"The Department of the Navy is composed of the following:

"(1) The Office of the Secretary of the Navy.

"(2) The Office of the Chief of Naval Operations.

"(3) The Headquarters, Marine Corps.

"(4) The entire operating forces, including naval aviation, of the Navy and of the Marine Corps, and the reserve components of those operating forces.

"(5) All field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy.

"(6) The Coast Guard when it is operating as a service in the Navy.".

(2) Section 5011 is amended by striking out the third and fourth sentences.

(3) Sections 5012 and 5013 are transferred to the end of chapter 507 (as added by paragraph (1)) and redesignated as sections 5062 and 5063, respectively.

(4) Section 5062 (as so transferred and redesignated) is amended)—

(A) by striking out "assigned and is" in subsection (a) and all that follows in that subsection and inserting in lieu thereof " assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war."; and

(B) by striking out subsection (d).

(c) Revision of Navy Secretariat Sections.—Chapter 503 (as amended by subsection (b)) is further amended as follows:

(1) The heading of section 5011 is amended to read as follows:

"§ 5011. Organization".

(2) Such chapter is amended by adding after section 5011 the following new sections:

"§ 5012. Department of the Navy: seal

"The Secretary of the Navy shall have a seal for the Department of the Navy. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

"§ 5013. Secretary of the Navy

"(a)(1) There is a Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Navy.

"(2) A person may not be appointed as Secretary of the Navy within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

"(1) Recruiting.

"(2) Organizing.

"(3) Supplying.

"(4) Equipping (including research and development).

"(5) Training.

"(6) Servicing.

"(7) Mobilizing.

"(8) Demobilizing.

"(9) Administering (including the morale and welfare of personnel).

"(10) Maintaining.

"(11) The construction, outfitting, and repair of military equipment.

"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Navy;

"(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

"(4) carrying out the functions of the Department of the Navy so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

"(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Navy may—

"(1) assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy;

"(2) change the title of any officer or activity of the Department of the Navy not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.".

(3) Section 5032 is transferred to the end of such chapter and redesignated as section 5013a.

(4) Such chapter is further amended by adding after section 5013a (as transferred and redesignated by paragraph (3)) the following new sections:

"§ 5014. Office of the Secretary of the Navy

"(a) There is in the Department of the Navy an Office of the Secretary of the Navy. The function of the Office is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Secretary of the Navy is composed of the following:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy.

"(3) The General Counsel of the Department of the Navy.

"(4) The Judge Advocate General of the Navy.

"(5) The Naval Inspector General.

"(6) The Chief of Naval Research.

"(7) Such other offices and officials as may be established by law or as the Secretary of the Navy may establish or designate.

"(c)(1) The Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the following functions:

"(A) Acquisition.

"(B) Auditing.

"(C) Comptroller (including financial management).

"(D) Information management.

"(E) Inspector General.

"(F) Legislative affairs.

"(G) Public affairs.

"(2) The Secretary of the Navy shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Office of the Chief of Naval Operations or the Headquarters, Marine Corps, to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall—

"(A) prescribe the relationship of each office or other entity established or designated under paragraph (2)—

"(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

"(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

"(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Navy of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Navy (including the Office of the Chief of Naval Operations and the Headquarters, Marine Corps) from providing advice or assistance to the Chief of Naval Operations and the Commandant of the Marine Corps or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Navy.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the function of research and development.

"(2) The Secretary of the Navy may assign to the Office of the Chief of Naval Operations and the Headquarters, Marine Corps, responsibility for those aspects of the function of research and development relating to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct the function specified in paragraph (1).

"(4) The Secretary shall—

"(A) prescribe the relationship of the office or other entity established or designated under paragraph (3)—

"(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

"(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

"(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Navy shall ensure that the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, do not duplicate specific functions for which the Secretary has assigned responsibility to another of such offices.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Navy assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed 2,866.

"(2) Not more than 1,720 officers of the Navy and Marine Corps on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

"(3) The total number of general and flag officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed the number equal to 85 percent of the number of general and flag officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, or the Headquarters, Marine Corps.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 5015. Under Secretary of the Navy

"(a) There is an Under Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"§ 5016. Assistant Secretaries of the Navy

"(a) There are four Assistant Secretaries of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

"§ 5017. Secretary of the Navy: successors to duties

"If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347 of title 5, directs another person to perform those duties or until the absence or disability ceases:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.

"(3) The Chief of Naval Operations.

"(4) The Commandant of the Marine Corps.

"§ 5018. Administrative Assistant

"The Secretary of the Navy may appoint an Administrative Assistant in the Office of the Secretary of the Navy. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

"§ 5019. General Counsel

"(a) There is a General Counsel of the Department of the Navy, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Navy may prescribe.".

(5) Section 5088 is transferred to the end of such chapter (as amended by paragraph (4)), redesignated as section 5020, and amended—

(A) by striking out "Office of the Chief of Naval Operations" in subsection (a) and inserting in lieu thereof "Office of the Secretary of the Navy";

(B) by redesignating subsection (c) as subsection (d) and striking out "the Chief of Naval Operations" in such subsection and inserting in lieu thereof "the Secretary of the Navy"; and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) The Naval Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Navy.".

(d) TRANSFERS FROM CHAPTER 513.—Sections 5150, 5151, 5152, and 5153 are transferred to the end of chapter 503 (as amended by subsection (c)) and redesignated as sections 5021, 5022, 5023, and 5024, respectively.

(e) REPEAL OF SUPERSEDED CHAPTER.—Chapter 505 is repealed.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 503 is amended to read as follows:

"Sec.
"5011. Organization.
"5012. Department of the Navy: seal.
"5013. Secretary of the Navy.
"5013a. Secretary of the Navy: powers with respect to Coast Guard.
"5014. Office of the Secretary of the Navy.
"5015. Under Secretary of the Navy.
"5016. Assistant Secretaries of the Navy.
"5017. Secretary of the Navy: successors to duties.
"5018. Administrative Assistant.
"5019. General Counsel.
"5020. Naval Inspector General: detail; duties.
"5021. Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties.
"5022. Office of Naval Research: duties.
"5023. Office of Naval Research: appropriations; time limit.
"5024. Naval Research Advisory Committee.".

SEC. 512. OFFICE OF THE CHIEF OF NAVAL OPERATIONS

(a) REPEAL OF FORMER CHAPTER ON OFFICE OF CNO.—Chapter 509 is repealed.

(b) NEW CHAPTER ON OFFICE OF CNO.—Part I of subtitle C is amended by inserting after chapter 503 the following new chapter 505:

"CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

"Sec.
"5031. Office of the Chief of Naval Operations: function; composition.
"5032. Office of the Chief of Naval Operations: general duties.
"5033. Chief of Naval Operations.
"5034. Chief of Naval Operations: retirement.
"5035. Vice Chief of Naval Operations.
"5036. Deputy Chiefs of Naval Operations.
"5037. Assistant Chiefs of Naval Operations.

"§ 5031. Office of the Chief of Naval Operations: function; composition

"(a) There is in the executive part of the Department of the Navy an Office of the Chief of Naval Operations. The function of the Office of the Chief of Naval Operations is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Chief of Naval Operations is composed of the following:

"(1) The Chief of Naval Operations.

"(2) The Vice Chief of Naval Operations.

"(3) The Deputy Chiefs of Naval Operations.

"(4) The Assistant Chiefs of Naval Operations.

"(5) The Surgeon General of the Navy.

"(6) The Chief of Naval Personnel.

"(7) The Chief of Chaplains of the Navy.

"(8) Other members of the Navy and Marine Corps assigned or detailed to the Office of the Chief of Naval Operations.

"(9) Civilian employees in the Department of the Navy assigned or detailed to the Office of the Chief of Naval Operations.

"(c) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"§ 5032. Office of the Chief of Naval Operations: general duties

"(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Chief of Naval Operations.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall—

"(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the exe-

cution of any power, duty, or function of the Secretary or the Chief of Naval Operations;

"(2) investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) as directed by the Secretary or the Chief of Naval Operations, coordinate the action of organizations of the Navy; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

"§ 5033. Chief of Naval Operations

"(a)(1) There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as the Chief of Naval Operations only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a flag officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade. In the performance of his duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service.

"(c) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Navy, the Chief of Naval Operations shall—

"(1) preside over the Office of the Chief of Naval Operations;

"(2) transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(e)(1) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Naval Operations in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Naval Operations shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Naval Operations shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

"§ 5034. Chief of Naval Operations: retirement

"An officer who is retired while serving as Chief of Naval Operations, or who, after serving at least two and one-half years as Chief of Naval Operations, is retired after completion of that service while serving in a lower grade than admiral, may, in the discretion of the President, be retired with the grade of admiral.

"§ 5035. Vice Chief of Naval Operations

"(a) There is a Vice Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

"(b) The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade.

"(c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

"(d) When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—

"(1) the Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Navy in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval

Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

"§ 5036. Deputy Chiefs of Naval Operations

"(a) There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy serving in grades above captain.

"(b) The Deputy Chiefs of Naval Operations are charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. Orders issued by the Deputy Chiefs of Naval Operations in performing the duties assigned them are considered as coming from the Chief of Naval Operations.

"§ 5037. Assistant Chiefs of Naval Operations

"(a) There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy and officers on the active-duty list of the Marine Corps.

"(b) The Assistant Chiefs of Naval Operations shall perform such duties as the Secretary of the Navy prescribes.".

SEC. 513. HEADQUARTERS, MARINE CORPS

(a) REPEAL OF FORMER CHAPTER ON HEADQUARTERS, MARINE CORPS.—Chapter 515 is repealed.

(b) NEW CHAPTER.—Part I of subtitle C is amended by inserting after chapter 505 (as added by section 512 of this Act) the following new chapter:

"CHAPTER 506—HEADQUARTERS, MARINE CORPS

"Sec.

"5041. Headquarters, Marine Corps: function; composition.
"5042. Headquarters, Marine Corps: general duties.
"5043. Commandant of the Marine Corps.
"5044. Assistant Commandant of the Marine Corps.
"5045. Chief of Staff; Deputy and Assistant Chiefs of Staff.

"§ 5041. Headquarters, Marine Corps: function; composition

"(a) There is in the executive part of the Department of the Navy a Headquarters, Marine Corps. The function of the Headquarters, Marine Corps, is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Headquarters, Marine Corps, is composed of the following:

"(1) The Commandant of the Marine Corps.

"(2) The Assistant Commandant of the Marine Corps.

"(3) The Chief of Staff of the Marine Corps.

"(4) The Deputy Chiefs of Staff.

"(5) The Assistant Chiefs of Staff.

"(6) Other members of the Navy and Marine Corps assigned or detailed to the Headquarters, Marine Corps.

"(7) Civilian employees in the Department of the Navy assigned or detailed to the Headquarters, Marine Corps.

"(c) Except as otherwise specifically prescribed by law, the Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

"§ 5042. Headquarters, Marine Corps: general duties

"(a) The Headquarters, Marine Corps, shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Commandant of the Marine Corps.

"(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall—

"(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

"(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

"(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

"(4) as directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

"(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

"§ 5043. Commandant of the Marine Corps

"(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Commandant of the Marine Corps only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

"(c) An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Commandant, is retired after completion of that service while

serving in a lower grade than general, may, in the discretion of the President, be retired with the grade of general.

"(d) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Commandant performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

"(e) Subject to the authority, direction, and control of the Secretary of the Navy, the Commandant shall—

"(1) preside over the Headquarters, Marine Corps;

"(2) transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Marine Corps and the Navy as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

"(f)(1) The Commandant shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Commandant in the performance of his duties as a member of the Joint Chiefs of Staff, the Commandant shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Commandant shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

"§ 5044. Assistant Commandant of the Marine Corps

"(a) There is an Assistant Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Marine Corps not restricted in the performance of duty.

"(b) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

"(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant.

"(d) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant—

"(1) the Assistant Commandant of the Marine Corps shall perform the duties of the Commandant until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Assistant Commandant of the Marine Corps or the Assistant Commandant is absent or disabled, unless the President directs otherwise, the most senior officer of the Marine Corps in the Headquarters, Marine Corps, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Commandant until a successor to the Commandant or the Assistant Commandant is appointed or until the absence or disability of the Commandant or Assistant Commandant ceases, whichever occurs first.

"§ 5045. Chief of Staff; Deputy and Assistant Chiefs of Staff

"There are in the Headquarters, Marine Corps, a Chief of Staff, not more than five Deputy Chiefs of Staff, and not more than three Assistant Chiefs of Staff, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.".

SEC. 514. TECHNICAL AND CLERICAL AMENDMENTS

(a) CONFORMING AMENDMENTS TO CHAPTER 513.—(1) The heading of chapter 513 is amended to read as follows:

"CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE ADVOCATE GENERAL".

(2) Section 5155 is redesignated as section 5150.

(3) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 5150, 5151, 5152, and 5153; and

(B) by redesignating the item relating to section 5155 to conform to the redesignation made by paragraph (2).

(b) TECHNICAL AMENDMENTS TO CHAPTER 661.—Chapter 661 is amended—

(1) by redesignating sections 7861 and 7862 as sections 7862 and 7863, respectively; and

(2) by striking out the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

"Sec.
"7861. Custody of departmental records and property.
"7862. Accounts of paymasters of lost or captured naval vessels.
"7863. Disbursements by order of commanding officer.

"§ 7861. Custody of departmental records and property

"The Secretary of the Navy has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Navy.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 125(b) is amended by striking out "5012, 5013" and inserting in lieu thereof "5062, 5063".

(2) Section 5023 (as redesignated by section 5011(d) of this Act) is amended by striking out "section 5151" in subsection (a) and inserting in lieu thereof "section 5022".

(3) Sections 5589(a) and 6027 are amended by striking out "section 5155(b)" and inserting in lieu thereof "section 5150(b)".

(d) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle C, and at the beginning of part I of such subtitle, are each amended by striking out the items relating to chapters 505, 507, 509, 513, and 515 and inserting in lieu thereof the following:

"505. Office of the Chief of Naval Operations 5031
"506. Headquarters, Marine Corps 5041
"507. Composition of the Department of the Navy 5061
"513. Bureaus; Office of the Judge Advocate General .... 5131".

(2) Subsection (c) of section 5024 (as redesignated by section 511(d) of this Act) is amended by striking out "claim proceeding" and inserting in lieu thereof "claim, proceeding,".

PART C—DEPARTMENT OF THE AIR FORCE

SEC. 521. THE AIR FORCE SECRETARIAT

(a) AMENDMENTS TO CHAPTER 803.—(1) Sections 8010, 8011, 8012, 8013, and 8014 are redesignated as sections 8011, 8012, 8013, 8014, and 8015, respectively.

(2) Section 8019 is transferred to the end of chapter 805 and is redesignated as section 8038.

(3) Chapter 803 is amended by striking out sections 8013, 8014, and 8015 (as redesignated by paragraph (1)) and inserting in lieu thereof the following:

"§ 8013. Secretary of the Air Force

"(a)(1) There is a Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force.

"(2) A person may not be appointed as Secretary of the Air Force within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Air Force is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Air Force, including the following functions:

"(1) Recruiting.
"(2) Organizing.
"(3) Supplying.
"(4) Equipping (including research and development).
"(5) Training.
"(6) Servicing.
"(7) Mobilizing.
"(8) Demobilizing.

"(9) Administering (including the morale and welfare of personnel).

"(10) Maintaining.

"(11) The construction, outfitting, and repair of military equipment.

"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

"(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force is also responsible to the Secretary of Defense for—

"(1) the functioning and efficiency of the Department of the Air Force;

"(2) the formulation of policies and programs by the Department of the Air Force that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

"(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Air Force;

"(4) carrying out the functions of the Department of the Air Force so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Air Force and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Air Force on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Air Force.

"(d) The Secretary of the Air Force is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Air Force may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Air Force may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Air Force may—

"(1) assign, detail, and prescribe the duties of members of the Air Force and civilian personnel of the Department of the Air Force;

"(2) change the title of any officer or activity of the Department of the Air Force not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title.

"§ 8014. Office of the Secretary of the Air Force

"(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

"(b) The Office of the Secretary of the Air Force is composed of the following:

"(1) The Under Secretary of the Air Force.

"(2) The Assistant Secretaries of the Air Force.

"(3) The General Counsel of the Department of the Air Force.

"(4) The Inspector General of the Air Force.

"(5) The Air Reserve Forces Policy Committee.

"(6) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

"(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the following functions:

"(A) Acquisition.

"(B) Auditing.

"(C) Comptroller (including financial management).

"(D) Information management.

"(E) Inspector General.

"(F) Legislative affairs.

"(G) Public affairs.

"(2) The Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff to conduct any of the functions specified in paragraph (1).

"(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

"(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the function of research and development.

"(2) The Secretary of the Air Force may assign to the Air Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

"(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

"(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

"(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force and the Air Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

"(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 2,639.

"(2) Not more than 1,585 officers of the Air Force on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff.

"(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

"(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force or on the Air Staff.

"(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

"§ 8015. Under Secretary of the Air Force

"(a) There is an Under Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

"§ 8016. Assistant Secretaries of the Air Force

"(a) There are three Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

"(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.".

(4) Section 8017 is amended—

(A) by striking out "(a)" at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

"(2) The Assistant Secretaries of the Air Force, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense."; and

(C) by striking out subsection (b).

(5) Chapter 803 is further amended by adding at the end the following new sections:

"§ 8018. Administrative Assistant

"The Secretary of the Air Force may appoint an Administrative Assistant in the Office of the Secretary of the Air Force. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

"§ 8019. General Counsel

"(a) There is a General Counsel of the Department of the Air Force, appointed from civilian life by the President.

"(b) The General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

"§ 8020. Inspector General

"(a) There is an Inspector General of the Air Force who shall be detailed to such position by the Secretary of the Air Force from the general officers of the Air Force. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

"(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

"(1) inquire into and report upon the discipline, efficiency, and economy of the Air Force; and

"(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

"(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Air Force and shall recommend additional inspections and investigations as may appear appropriate.

"(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Air Force.

"(e) The Inspector General shall have such deputies and assistants as the Secretary of the Air Force may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Air Force for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.".

(6) Section 8033 is transferred to the end of chapter 803 (as amended by paragraph (5)), redesignated as section 8021, and amended—

(A) in subsection (a)—

(i) by striking out "Policy which" and inserting in lieu thereof "Policy. The Committee";

(ii) by inserting "and the mobilization preparedness" after "reserve components";

(iii) by striking out "Air Force and the" and inserting in lieu thereof "Air Force. The"; and

(iv) by striking out "Chief of Staff, and the Assistant Secretary responsible for reserve affairs" and inserting in lieu thereof "Secretary of the Air Force and the Chief of Staff";

(B) in subsection (b), by inserting "and" after the semicolon in clause (2); and

(C) by striking out the section heading and inserting in lieu thereof the following:

"§ 8021. Air Force Reserve Forces Policy Committee".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 803 is amended to read as follows:

"Sec.
"8011. Organization.
"8012. Department of the Air Force: seal.
"8013. Secretary of the Air Force.
"8014. Office of the Secretary of the Air Force.
"8015. Under Secretary of the Air Force.
"8016. Assistant Secretaries of the Air Force.
"8017. Secretary of the Air Force: successors to duties.
"8018. Administrative Assistant.
"8019. General Counsel.
"8020. Inspector General.
"8021. Air Force Reserve Forces Policy Committee.".

SEC. 522. THE AIR STAFF

(a) Composition of the Air Staff.—Section 8031 is amended to read as follows:

"§ 8031. The Air Staff: function; composition

"(a) There is in the executive part of the Department of the Air Force an Air Staff. The function of the Air Staff is to assist the Secretary of the Air Force in carrying out his responsibilities.

"(b) The Air Staff is composed of the following:

"(1) The Chief of Staff.

"(2) The Vice Chief of Staff.

"(3) The Deputy Chiefs of Staff.

"(4) The Assistant Chiefs of Staff.

"(5) The Surgeon General of the Air Force.

"(6) The Judge Advocate General of the Air Force.

"(7) The Chief of the Air Force Reserve.

"(8) Other members of the Air Force assigned or detailed to the Air Staff.

"(9) Civilian employees in the Department of the Air Force assigned or detailed to the Air Staff.

"(c) Except as otherwise specifically prescribed by law, the Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.".

(b) General Duties.—(1) Subsection (a) of section 8032 is amended by inserting "of the Air Force" after "Chief of Staff".

(2) Subsection (b) of such section is amended—

(A) by striking out "The Air Staff" in the matter preceding clause (1) and inserting in lieu thereof "Under the authority, direction, and control of the Secretary of the Air Force, the Air Staff";

(B) by inserting "subject to subsections (c) and (d) of section 8014 of this title," before "prepare" in clause (1);

(C) by striking out ", training, serving, mobilizing, and demobilizing" in clause (1) and inserting in lieu thereof "(including those aspects of research and development assigned by the Secretary of the Air Force), training, servicing, mobilizing, demobilizing, administering, and maintaining";

(D) by striking out "for military operations" in clause (2) and inserting in lieu thereof "to support military operations by combatant commands"; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

"(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Air Force; and".

(3) The heading of such section is amended to read as follows:

"§ 8032. The Air Staff: general duties".

(c) CHIEF OF STAFF.—Section 8034 is redesignated as section 8033 and is amended to read as follows:

"§ 8033. Chief of Staff

"(a)(1) There is a Chief of Staff of the Air Force, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

"(2) The President may appoint an officer as Chief of Staff only if—

"(A) the officer has had significant experience in joint duty assignments; and

"(B) such experience includes at least one joint duty assignment as a general officer.

"(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

"(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

"(c) Except as otherwise prescribed by law and subject to section 8013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

"(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff shall—

"(1) preside over the Air Staff;

"(2) transmit the plans and recommendations of the Air Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

"(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

"(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Air Force as the Secretary determines;

"(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

"(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Air Force.

"(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

"(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

"(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.".

(d) VICE CHIEF OF STAFF.—Section 8035 is redesignated as section 8034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) There is a Vice Chief of Staff of the Air Force, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force.

"(b) The Vice Chief of Staff of the Air Force, while so serving, has the grade of general without vacating his permanent grade.";

(2) by striking out subsection (c);

(3) by redesignating subsection (d) as subsection (c);

(4) by adding at the end the following new subsection:

"(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

"(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

"(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Air Force in the Air Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first."; and

(5) by striking out the section heading and inserting in lieu thereof the following:

"§ 8034. Vice Chief of Staff".

(e) DEPUTY CHIEFS OF STAFF.—Chapter 805 is further amended by inserting after section 8034 (as redesignated by subsection (d) of this section) the following new section:

"§ 8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

"(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

"(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

"(1) there may not be more than five Deputy Chiefs of Staff; and

"(2) there may not be more than three Assistant Chiefs of Staff.".

(f) JUDGE ADVOCATE GENERAL; DEPUTY JUDGE ADVOCATE GENERAL.—Section 8072 is transferred to chapter 805, inserted after section 8036, and redesignated as section 8037.

(g) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 805 is amended to read as follows:

"Sec.
"8031. The Air Staff: function; composition.
"8032. The Air Staff: general duties.
"8033. Chief of Staff.
"8034. Vice Chief of Staff.
"8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.
"8036. Surgeon General: appointment; grade.
"8037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties.
"8038. Office of Air Force Reserve: appointment of Chief.".

(2) The heading of section 8036 is amended by striking out the comma and inserting in lieu thereof a semicolon.

(3) Section 8038 (as redesignated by section 521(a)(2)) is amended by striking out the comma in subsection (a) after "Chief of Staff".

(4) The table of sections at the beginning of chapter 807 is amended by striking out the item relating to section 8072.

SEC. 523. AUTHORITY TO ORGANIZE AIR FORCE INTO SEPARATE ORGANIZATIONS

Section 8074(a) is amended by striking out "The" and inserting in lieu thereof "Except as otherwise prescribed by law or by the Secretary of Defense, the".

PART D—GENERAL CONFORMING AMENDMENTS AND TRANSITION PROVISIONS

SEC. 531. CONFORMING AMENDMENTS

(a) AMENDMENTS TO TITLE 10.—(1) Sections 175(d) and 523(b)(1)(B) are amended by striking out "3033" and "8033" and inserting in lieu thereof "3021" and "8021", respectively.

(2) Section 641(1)(B) is amended by striking out "3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033," and inserting in lieu thereof "3021, 3038, 3040, 3496, 5251, 5252, 8021, 8038,".

(b) AMENDMENTS TO TITLE 37.—Section 204((a)(2) of title 37, United States Code, is amended by striking out "3033" and "8033" and inserting in lieu thereof "3021" and "8021", respectively.

SEC. 532. TRANSITION

(a) EFFECTIVE DATE.—The provisions of subsections (c) and (d) of each of sections 3014, 5014, and 8014 of title 10, United States Code, as added by sections 501, 511, and 521, respectively, shall be implemented not later than 180 days after the date of the enactment of this Act.

(b) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report on the actions that have been taken to implement the provisions referred to in subsection (a) with respect to that military department.

(c) WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 3033(a)(2), 5033(a)(2), 5043(a)(2), and 8033(a)(2) of title 10, United States Code (as added or amended by sections 502, 512, 513, and 522, respectively).

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(B) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3) A waiver under paragraph (2) may not be made in the case of any officer more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

TITLE VI—MISCELLANEOUS

SEC. 601. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

(a) MILITARY DEPARTMENTS AND COMBATANT COMMANDS.—(1) Effective on October 1, 1988, the total number of members of the Armed Forces and civilian employees assigned or detailed to duty described in paragraph (2) may not exceed the number equal to 90 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(2) Duty referred to in paragraph (1) is permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities.

(3) In computing and implementing the limitation in paragraph (1), the Secretary of Defense shall exclude members and employees who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities in the following:

(A) The Office of the Secretary of the Army and the Army Staff.

(B) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

(C) The Office of the Secretary of the Air Force and the Air Staff.

(D) The immediate headquarters staff of the commander of each unified or specified combatant command.

(4) If the Secretary of Defense applies any reduction in personnel required by the limitation in paragraph (1) to a unified or specified combatant command, the commander of that command, after consulting with his directly subordinate commanders, shall determine the manner in which the reduction shall be accomplished.

(b) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—(1)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 10 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(C) If the number of members and employees reduced under subparagraph (A) or (B) is in excess of the reduction required to be made by that subparagraph, such excess number may be applied to the number required to be reduced under paragraph (2).

(2)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities, by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 5 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(3) If after the date of the enactment of this Act and before October 1, 1988, the total number of members and employees described in paragraph (1)(A) or (2)(A) is reduced by a number that is in excess of the number required to be reduced under that paragraph, the Secretary may, in meeting the additional reduction required by paragraph (1)(B) or (2)(B), as the case may be, offset such additional reduction by that excess number.

(4) The National Security Agency shall be excluded in computing and making reductions under this subsection.

(c) Prohibition Against Certain Actions To Achieve Reductions.—Compliance with the limitations and reductions required by subsections (a) and (b) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(d) Allocations To Be Made by Secretary of Defense.—(1) The Secretary of Defense shall allocate the reductions required to comply with the limitations in subsections (a) and (b) in a manner consistent with the efficient operation of the Department of Defense. If the Secretary determines that national security requirements dictate that a reduction (or any portion of a reduction) required by subsection (b) not be made from the Defense Agencies and Department of Defense Field Activities, the Secretary may allocate such reduction (or any portion of such reduction) (A) to personnel assigned or detailed to permanent duty in management headquarters activities or management headquarters support activities, or (B) to personnel assigned or detailed to permanent duty in other than management headquarters activities or management headquarters support activities, as the case may be, of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

(2) Among the actions that are taken to carry out the reductions required by subsections (a) and (b), the Secretary shall consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(e) Total Reductions.—Reductions in personnel required to be made under this section are in addition to any reductions required to be made under other provisions of this Act or any amendment made by this Act.

(f) Definitions.—For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the meanings given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities" and dated January 7, 1985.

SEC. 602. REDUCTION OF REPORTING REQUIREMENTS

(a) Policy.—It is the policy of Congress to reduce the administrative burden placed on the Department of Defense by requirements for reports, studies, and notifications to be submitted to Congress through the elimination of outdated, redundant, or otherwise unnecessary reporting requirements.

(b) Compilation of Existing Reporting Requirements.—(1) The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act or enacted after such date and before February 1, 1987, that require the President, with respect to national defense functions of the Government, or any official or employee of the Department of Defense to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a requirement for a report, notification, or study to be submitted one time.

(2) The Secretary shall submit to Congress the list compiled under paragraph (1) not later than six months after the date of the enactment of this Act. The Secretary shall include with such list (with respect to each report, notification, or study shown on the list) the following:

(A) The date the requirement for such report, notification, or study was first imposed by law and the current legal citation for such requirement.

(B) The Secretary's assessment of the continuing utility of such requirement to Congress and to the executive branch.

(C) The Secretary's assessment of the administrative burden of such requirement and how such burden relates to the utility of the report, notification, or study.

(D) The Secretary's recommendation as to whether such requirement should be retained, modified, or repealed.

(3) The matter submitted under paragraph (2) shall also include—

(A) any recommendation of the Secretary for consolidation of different requirements for reports, notifications, and studies; and

(B) a draft of legislation to implement any changes in law recommended by the Secretary and to conform statutory provisions to the elimination of reporting requirements under subsection (c).

(c) Termination of Reporting Requirements.—Except as provided in subsection (d), effective on January 1, 1987, each provision of law that is contained in title 10, 32, or 37, United States Code, or in any Act authorizing appropriations or making appropriations for military functions of the Department of Defense (including military construction and military family housing functions) shall not be effective to the extent such provision requires the submission of a report, notification, or study.

(d) Exceptions.—Subsection (c) does not apply—

(1) to a requirement for a report, notification, or study to be submitted one time;

(2) to a provision of law enacted on or after the date of the enactment of this Act (including any provision enacted by this Act); or

(3) to a provision of law that requires the submission of the reports, notifications, and studies described in subsections (e) through (u).

(e) Provisions of Title 10.—The exception provided in subsection (d)(3) applies to the following reports, notifications, and studies required by title 10, United States Code:

(1) The annual report required by section 113(c) of such title (as redesignated by section 101(a)), relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 113(e) of such title (as redesignated by section 101(a) and amended by section 603), relating to major military missions and the military force structure of the United States.

(3) The annual reports required by section 115 of such title (as designated and amended by section 110(b))—

(A) under subsection (a)(2) of such section, relating to equipment of the National Guard and reserve components;

(B) under subsection (b)(3) of such section, relating to military and civilian personnel and strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers; and

(C) under subsection (c)(2) of such section, relating to average student training loads.

(4) The annual report required by section 116(a) of such title (as designated and amended by section 110(b)), relating to operations and maintenance.

(5) The annual report required by section 117 of such title (as redesignated by section 101(a)), relating to North Atlantic Treaty Organization readiness.

(6) The reports required by section 118 of such title (as redesignated by section 101(a)), relating to sales or transfers of certain defense articles.

(7) The report required by section 125(c) of such title, relating to the proposed reduction or elimination of a major weapon system.

(8) The reports required by subsection (b)(5) of section 138 of such title (as redesignated by section 101(a)) and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(9) Reports required by section 1092(a)(3) of such title, relating to studies and demonstration projects relating to delivery of health and medical care.

(10) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(11) The report required by section 2137 of such title, relating to the educational assistance program for members of the Selected Reserve under chapter 106 of such title.

(12) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(13) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(14) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(15) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(16) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(17) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(18) The semiannual report required by section 2357 of such title, relating to contracts in excess of $50,000 entered into by the military departments for research and development.

(19) The report required by section 2362(c) of such title, relating to the testing of wheeled or tracked armored vehicle programs.

(20) The reports required by section 2391(c) of such title, relating to miltiary base reuse studies and community planning assistance.

(21) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(22) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(23) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(24) The notifications required by subsection (e)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(25) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(26)(A) The annual and supplemental reports required by section 2431 of such title (as redesignated by section 101(a)), relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The notifications in lieu of such supplemental reports under subsection (b) of such section.

(27) The Selected Acquisition Reports required by section 2432 of such title (as redesignated by section 101(a)).

(28) The notifications required by subsection (d)(3) of section 2433 of such title (as redesignated by section 101(a)) and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(29) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(30) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(31) The notifications required by section 2667a(g)(3) of such title, relating to expenditures in excess of $300,000 from the DOD Facilities Replacement Management Account.

(32) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than $100,000.

(33) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(34)(A) The notifications required by section 2687(b) of such title, relating to base closures and realignments.

(B) The certification provided for in section 2687(c) of such title, relating to a closure or realignment of a military installation for reasons of national security.

(35) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of certain losses caused by fluctuations in currency exchange rates of foreign countries.

(36) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(37) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(38) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(39) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(40) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(41) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(42) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(43) The notifications and justifications required by section 2823(b) of such title, relating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(44) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(45) The notifications and reports of economic analyses required by section 2828 of such title—

(A) under subsection (b)(3) of such section, relating to domestic family housing limitations;

(B) under subsection (f) of such section, relating to the proposed lease of military family housing in excess of authorized amounts; and

(C) under subsection (g)(6)(A) of such section, relating to leasing of military family housing facilities.

(46) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(47) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(48) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(49) The notifications required by section 2856(b) of such title, relating to regulations establishing limitations on barracks space.

(50) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(51) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(52) The quarterly report required by section 7434 of such title, relating to production from the naval petroleum reserves.

(f) PROVISIONS OF TITLE 37.—(1) The exception provided in subsection (d)(3) applies to the report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(2) Such section is amended—

(A) by striking out "quarter" in the matter preceding clause (1); and

(B) by striking out "quarter" in clauses (1) and (2) and inserting in lieu thereof "fiscal year".

(g) PUBLIC LAW 91-121.—Notifications required by subsections (b)(4) and (c)(1) of section 409 of Public Law 91-121 (50 U.S.C. 1512(4), 1513(1)), relating to chemical or biological warfare agents.

(h) PUBLIC LAW 91-441.—Reports required by section 203(c) of Public Law 91-441 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

(i) PUBLIC LAW 93-365.—The exception provided in subsection (d)(3) applies to the statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (50 U.S.C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(j) PUBLIC LAW 96-342.—The exception provided in subsection (d)(3) applies to the notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(k) PUBLIC LAW 98-94.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (97 Stat. 678), relating to transfers of amounts of authorizations.

(2) The reports and assessments required by section 1231 of such Act (97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(3) The reports required by section 1252(d) of such Act (97 Stat. 698), relating to the cost effectiveness of and the quality of medical care provided by public health service hospitals.

(l) PUBLIC LAW 98-525.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 105(b)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2503), relating to gov-

ernment-to-government agreements for acquisition in connection with certain NATO cooperative programs.

(2) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(3) The annual report required by section 1002(d)(1) of such Act (22 U.S.C. 1928 note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(4) The annual report required by section 1002(d)(2) of such Act (22 U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other member nations of the North Atlantic Treaty Organization.

(5) The annual reports required by subsections (c) and (d) of section 1003 of such Act (22 U.S.C. 1928 note), relating to allied contributions to the common defense.

(6) The annual report required by section 1102 of such Act (10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(7) The notifications required by section 1501(c) of such Act (98 Stat. 2626), relating to transfers of amounts of authorizations.

(8) The notification required by section 1512 of the Department of Defense Authorization Act, 1985 (98 Stat. 2627), relating to the use of funds for the B-1B bomber aircraft program beyond 100 aircraft.

(9) The reports required by section 1536(g) of such Act (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(m) PUBLIC LAW 99-145.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 106(a)(2) of the Department of Defense Authorization Act, 1986 (99 Stat. 596), relating to government-to-government agreements for acquisition in connection with certain NATO cooperative programs.

(2) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(3) The legislative environmental impact statement required by section 209(c) of such Act (99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(4) The certification required by section 222 of such Act (99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(5) The reports required by section 223 of such Act (99 Stat. 613), relating to the Strategic Defense Initiative.

(6) The quarterly reports required by section 502(c) of such Act (99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(7) The report required by section 1002 of such Act (99 Stat. 705), relating to Soviet compliance with arms control commitments.

(8) The annual report required by section 1221(d)(2) of such Act (99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(9) The annual reports required by section 1407 of such Act (99 Stat. 745), relating to unobligated balances in appropriation accounts.

(10)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of such Act (99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among member nations of the North Atlantic Treaty Organization concerning the chemical deterrent posture of the North Atlantic Treaty Organization.

(11) The annual report required by section 1412(g) of the Department of Defense Authorization Act, 1986 (99 Stat. 748), relating to the program for the destruction of the United States stockpile of lethal chemical agents and munitions.

(n) PUBLIC LAW 98-473.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by the proviso in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(2) The annual report required by section 8104(b) of such Act (98 Stat. 1942), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(o) PUBLIC LAW 99-190.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1206)), relating to transfers of working capital funds.

(2) The notifications required by section 8021 of such Act (99 Stat. 1206), relating to the obligation of working capital funds to procure war reserve material inventory.

(3) The notifications required by section 8042 of such Act (99 Stat. 1210), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.

(4) The notification required by section 8075 of such Act (99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.

(5) The certification required by section 8097 of such Act (99 Stat. 1219), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.

(p) MILITARY CONSTRUCTION AUTHORIZATION ACTS.—(1) The exception provided in subsection (d)(3) applies to the annual reports re-

quired by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97–99; 95 Stat. 1377), relating to contracts for construction in the United States and its possessions.

(2) The exception provided in subsection (d)(3) applies to the following:

(A) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(B) The notifications required by section 803(b)(2) of such Act (10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(3) The exception provided in subsection (d)(3) applies to the report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99–167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(q) Military Construction Appropriation Acts.—The exception provided in subsection (d)(3) applies to the following:

(1) The annual report required by the third proviso in the undesignated paragraph under the heading "Foreign Currency Fluctuation, Construction, Defense" in the Military Construction Appropriation Act, 1980 (Public Law 96–130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.

(2) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of Public Law 98–473; 98 Stat. 1883), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.

(r) The report required by section 1436(a) of title 38, United States Code, relating to the New GI-Bill Educational Assistance Program under chapter 30 of such title.

(s) Inspector General Act of 1978.—The exception provided in subsection (d)(3) applies to the following:

(1) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.

(2) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to particular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.

(3) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.

(t) Intelligence Community Provisions.—The exception provided in subsection (d)(3) applies to the following:

(1) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(2) Reports and information required to be furnished under the following provisions of law:

(A) Section 1601(e) of title 10, United States Code, relating to the Defense Intelligence Senior Executive Service.

(B) Section 1604(e) of such title, relating to termination of certain Defense Intelligence Agency personnel.

(C) Section 1605 of such title, relating to benefits and allowances for certain Defense Intelligence Agency civilian personnel.

(3) Reports and information required to be furnished under section 431 of title 37, United States Code, relating to benefits and allowances for certain military personnel assigned to the Defense Intelligence Agency.

(u) ADDITIONAL MISCELLANEOUS EXCEPTIONS.—The exception provided in subsection (d)(3) applies to the following:

(1) The reports required by section 673(d) of title 10, United States Code, relating to the necessity for units of the Ready Reserve being ordered to active duty.

(2) The reports required section 673b(f) of such title, relating to necessity of ordering units or members of the Selected Reserve to active duty.

(3) The reports required under section 836(b) (article 36(b)) of such title, relating to rules and regulations prescribed by the President under such section.

(4) The reports required by section 867(g)(1) (article 69(g)(1) of such title, relating to the operation of the Uniform Code of Military Justice.

(5) The reports required by subsections (a) and (b) of section 1008 and subsections (e) and (f) of section 1009 of title 37, United States Code, relating to military compensation.

SEC. 603. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

(a) ANNUAL PRESIDENTIAL REPORT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"ANNUAL NATIONAL SECURITY STRATEGY REPORT

"SEC. 104. (a)(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a 'national security strategy report').

"(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

"(b) Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

"(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter ag-

gression and to implement the national security strategy of the United States.

(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

"(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

"(c) Each national security strategy report shall be transmitted in both a classified and an unclassified form.".

(2) The table of contents in the first section of such Act is amended by inserting after the item relating to section 103 the following new item:

"Sec. 104. Annual national security strategy report.".

(b) REVISION OF ANNUAL SECRETARY OF DEFENSE REPORT.*—Subsection (e) of section 113 (as redesignated by section 101(a) of this Act) is amended to read as follows:*

"(e)(1) The Secretary shall include in his annual report to Congress under subsection (c)—

"(A) a description of the major military missions and of the military force structure of the United States for the next fiscal year;

"(B) an explanation of the relationship of those military missions to that force structure; and

"(C) the justification for those military missions and that force structure.

"(2) In preparing the matter referred to in paragraph (1), the Secretary shall take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 for the fiscal year concerned.".

SEC. 604. LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to make any technical and conforming changes to title 10, United States Code, and other provisions of law that are required or should be made by reason of the amendments made by this Act.

SEC. 605. GENERAL TECHNICAL AMENDMENTS

(a) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are amended by striking out the items relating to chapters 3 through 8 and inserting in lieu thereof the following:

"2. Department of Defense 111
"3. General Powers and Functions 121
"4. Office of the Secretary of Defense 131
"5. Joint Chiefs of Staff 151
"6. Combatant Commands 161

"7. Boards, Councils, and Committees 171
"8. Defense Agencies and Department of Defense Field Activities .... 191".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 143 the following new item:

"144. Oversight of Cost Growth in Major Programs .... 2431".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following: *An Act to reorganize the Department of Defense and strengthen civilian authority in the Department of Defense, to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense, to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands and ensure that the authority of those commanders is fully commensurate with that responsibility, to increase attention to the formulation of strategy and to contingency planning, to provide for more efficient use of defense resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense, and for other purposes.*

And the House agree to the same.

LES ASPIN,
BILL NICHOLS,
IKE SKELTON,
NICK MAVROULES,
WM. L. DICKINSON,
LARRY J. HOPKINS,
JOHN R. KASICH,
Managers on the Part of the House.

BARRY GOLDWATER,
STROM THURMOND,
JOHN WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
DAN QUAYLE,
PETE WILSON,
JEREMIAH DENTON,
PHIL GRAMM,
JAMES T. BROYHILL,
SAM NUNN,
JOHN C. STENNIS,
GARY HART,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 3622) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment to the Senate amendment to the text of the bill struck out all of the Senate amendment and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate amendment and the House amendment thereto. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BACKGROUND

On November 20, 1985, by a vote of 383-27, the House of Representatives passed H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985. On April 14, 1986, the Senate Committee on Armed Services reported an original bill, S. 2295, the Department of Defense Reorganization Act of 1986. After Senate consideration, this bill was substituted for the text of H.R. 3622, and H.R. 3622 (as amended) passed the Senate by a vote of 95-0 on May 7, 1986. During consideration by the Senate, the short title of the bill was amended to become the Barry Goldwater Department of Defense Reorganization Act of 1986.

On July 21, 1986, the House Committee on Armed Services reported H.R. 4370, the Bill Nichols Department of Defense Reorganization Act of 1986. On August 5, 1986, H.R. 4370 was offered as an amendment to H.R. 4428, the Department of Defense Authorization Act, 1987 and was approved by the House of Representatives by a vote of 406-4.

On August 11, 1986, the House of Representatives amended the Bill Nichols Department of Defense Reorganization Act of 1986 to add the text of the original H.R. 3622 as title VI. The House of Representatives then substituted the text of this bill (as amended) for the text of the Senate amendment to H.R. 3622.

The conference committee convened on August 13, 1986 and completed action on September 11, 1986.

SUMMARY OF MAJOR PROVISIONS

The major provisions of the conference substitute amendment are summarized below.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

1. Requires the Secretary of Defense to provide annually to Department of Defense (DoD) components written policy guidance for the preparation of the components' program and budget proposals.
2. Requires the Secretary of Defense to provide annually to the Chairman of the Joint Chiefs of Staff (JCS) written policy guidance for the preparation and review of contingency plans.
3. Specifies that the Under Secretary of Defense for Policy is to assist the Secretary of Defense in preparing guidance for contingency plans and in reviewing those plans.
4. Retains the existing number (11) of Assistant Secretaries of Defense but eliminates their statutory titles, except for the Assistant Secretaries of Defense for Reserve Affairs and for Command, Control, Communications, and Intelligence.
5. Requires the Secretary of Defense to keep the Secretaries of the Military Departments informed of military operations and DoD activities that directly affect their responsibilities.
6. Requires the Secretary of Defense to advise the President on the qualifications needed by DoD political appointees.
7. Repeals the Secretary of Defense's authority to reorganize DoD positions and activities that have been established in law.
8. Requires the Secretary of Defense, the JCS Chairman, the Secretaries of the Military Departments (jointly), and an independent contractor to conduct separate studies on the functions and organization of the Office of the Secretary of Defense (OSD).

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

Advisory Role of the Chairman and Other JCS Members

1. Designates the JCS Chairman as the principal military adviser to the President, the National Security Council (NSC), and the Secretary of Defense.
2. Specifies that the other JCS members are military advisers to the President, the NSC, and the Secretary of Defense, as provided in items #5 and #6 below.
3. Requires the JCS Chairman, as appropriate, to consult with and seek the advice of the other JCS members and the unified and specified combatant commanders.
4. Requires the JCS Chairman, in presenting advice, to inform, as appropriate, the President, the NSC, or the Secretary of Defense of the range of military advice on a matter.

5. Requires the JCS Chairman to submit to the President, the NSC, and the Secretary of Defense any JCS member's opinion in disagreement or in addition to the Chairman's advice.

6. Requires JCS members, individually or collectively, to provide advice on a particular matter whenever the President, the NSC, or the Secretary of Defense request it.

Appointment and Duties of the JCS Chairman

7. Allows the President to reappoint the JCS Chairman to a third two-year term; specifies that if a JCS Chairman does not complete his term, his successor shall serve for the remainder of the unexpired term and then may be reappointed to two two-year terms; specifies that the JCS Chairman's term begins on October 1st of odd-numbered years.

8. Requires, subject to the President's waiver, that an officer have served as the JCS Vice Chairman, a Service Chief of Staff, or a unified or specified combatant commander in order to be appointed as the JCS Chairman.

9. Transfers responsibility for the duties currently performed by the corporate JCS to the Chairman; updates and expands those duties to specify the following *new* statutory duties for the JCS Chairman:

preparing fiscally constrained strategic plans;

performing net assessments;

providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense;

advising the Secretary of Defense on the critical deficiencies and strengths in force capabilities that are identified during the preparation of contingency plans and their effect on meeting national security objectives;

establishing and maintaining a uniform system of evaluating the readiness of the unified and specified combatant commands;

advising the Secretary of Defense on the priorities of the unified and specified combatant commanders' requirements;

advising the Secretary of Defense on the extent to which the Services' budget proposals conform with the priorities established in strategic plans and for the requirements of the unified and specified combatant commanders;

submitting to the Secretary of Defense alternative budget proposals in order to achieve greater conformance with the priorities established in strategic plans and for the requirements of the unified and specified combatant commands;

recommending to the Secretary of Defense a budget proposal for activities of each unified and specified combatant command;

assessing military requirements for acquisition programs; and

developing joint doctrine.

10. Requires the JCS Chairman to submit a report every 3 years to the Secretary of Defense on the roles and missions of the Armed Forces.

11. Authorizes the JCS Chairman, subject to the direction of the President, to attend and participate in National Security Council meetings.

Appointment and Duties of the JCS Vice Chairman

12. Creates the new position of Vice Chairman of the JCS with the rank of a four-star officer.

13. Designates the Vice Chairman as the second-ranking military officer just below the Chairman.

14. Requires the JCS Chairman and Vice Chairman to be from different Services.

15. Specifies that the Vice Chairman may serve up to three two-year terms.

16. Requires, subject to the President's waiver, that an officer have the joint specialty (established in title IV of the conference substitute amendment) and have served in at least one joint duty assignment as a general or flag officer in order to be appointed as the Vice Chairman.

17. Specifies that the Vice Chairman is to perform whatever duties are prescribed or delegated to him by the Chairman with the Secretary of Defense's approval.

18. Designates the Vice Chairman as the acting JCS Chairman in the absence or disability of the Chairman.

19. Authorizes the Vice Chairman to participate in all JCS meetings and to vote only when acting as Chairman.

Joint Staff

20. Specifies that the Joint Staff is to assist the JCS Chairman and, subject to the authority, direction, and control of the Chairman, the other JCS members and the Vice Chairman in carrying out their responsibilities.

21. Specifies that the JCS Chairman manages the Joint Staff; the Chairman is to prescribe the duties and staffing procedures of the Joint Staff.

PART B—COMBATANT COMMANDS (UNIFIED AND SPECIFIED COMMANDS)

1. Specifies that the operational chain of command, unless otherwise directed by the President, runs from the President to the Secretary of Defense to the unified and specified combatant commanders.

2. Authorizes the President to direct that communications between the President or the Secretary of Defense and the unified and specified combatant commanders run through the JCS Chairman.

3. Authorizes the President to assign duties to the JCS Chairman to assist the President and the Secretary of Defense in performing their command function.

4. Authorizes the Secretary of Defense to assign responsibility to the JCS Chairman for overseeing the activities of the unified and specified combatant commands.

5. Specifies that the JCS Chairman is to serve as the spokesman for the unified and specified combatant commanders, especially on their operational requirements.

6. Requires, subject to the President's waiver, that an officer have the joint specialty and have served in at least one joint duty assignment as a general or flag officer in order to be selected as a unified or specified combatant commander.

7. Specifies the command functions included in the authority, direction, and control of the unified or specified combatant commander over the commands and forces within his command.

8. Authorizes the Secretary of Defense to assign authority to the unified or specified combatant commander for those aspects of administration and support that the Secretary considers necessary to accomplish that commander's missions.

9. Specifies that commanders within a unified or specified combatant command are under the authority, direction, and control of the unified or specified combatant commander on all matters for which the unified or specified combatant commander has been assigned authority.

10. Requires subordinate elements of a unified or specified combatant command and other DoD elements to communicate with each other (on matters for which the unified or specified combatant commander has been assigned authority) in accordance with procedures established by the unified or specified combatant commander.

11. Authorizes the unified or specified combatant commander to direct subordinate elements within his command to advise him of all communications to and from other DoD elements (on matters for which he has *not* been assigned authority).

12. Requires that the selection of directly subordinate commanders and members of the unified or specified combatant command staff be made only with the unified or specified combatant commander's concurrence.

13. Requires the unified or specified combatant commander to evaluate the duty performance of directly subordinate commanders.

14. Authorizes the unified or specified combatant commander to suspend from duty and recommend the reassignment of any officer assigned to his command.

15. Requires the Secretary of Defense to include in the annual defense budget request a separate budget proposal for those activities of the unified and specified combatant commands that he determines to be appropriate.

TITLE III—DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

1. Requires the Secretary of Defense to assign supervisory responsibility for each Defense Agency and Field Activity (except the Defense Intelligence Agency and the National Security Agency) to an OSD official or the JCS Chairman.

2. Directs the JCS Chairman to review and advise the Secretary of Defense on the readiness of certain Defense Agencies to carry out their wartime support missions.

3. Requires the JCS Chairman to provide for the participation of certain Defense Agencies in joint training exercises.

4. Requires the JCS Chairman to develop a readiness reporting system for certain Defense Agencies.

5. Directs the Secretary of Defense, the JCS Chairman, and the Secretaries of the Military Departments to conduct separate studies of the functions and organizational structure of the Defense Agencies and Field Activities.

6. Directs the Secretary of Defense to undertake, 2 years after the initial report required by item #5, a biennial review of the Defense Agencies and Field Activities.

7. Reduces the number of headquarters and non-headquarters personnel serving in the Defense Agencies and Field Activities; imposes a cap at the reduced levels of September 30, 1989.

TITLE IV—JOINT OFFICER PERSONNEL POLICY

1. Establishes an occupational category, referred to as the "joint specialty", for the management of officers who are trained in and oriented toward joint matters.

2. Provides that joint specialty officers shall be selected by the Secretary of Defense from nominees submitted by the Secretaries of the Military Departments.

3. Requires that an officer may not be selected for the joint specialty until he completes a joint education program and a full joint duty tour.

4. Requires that 50 percent of joint duty positions in grades above captain/Navy lieutenant be filled by officers who have been nominated or selected for the joint specialty.

5. Directs the Secretary of Defense to designate at least 1,000 critical joint duty assignments that must always be filled by joint specialty officers.

6. Requires the Secretary of Defense to establish career guidelines for joint specialty officers.

7. Requires, subject to a waiver by the Secretary of Defense, that all officers promoted to general or flag rank must attend an education course (CAPSTONE) on working with the other armed forces.

8. Requires all joint specialty officers and a high proportion of other officers who graduate from a joint school to be assigned immediately to a joint duty position.

9. Prescribes, subject to a waiver by the Secretary of Defense, that joint duty tours shall be at least 3 years in length for general and flag officers and at least 3½ years in length for other officers.

10. Requires the Secretary of Defense to exclude joint training assignments and assignments within the Military Departments in the definition of "joint duty assignment".

11. Specifies that each promotion board, subject to a waiver for the Marine Corps, that will consider officers who have served in joint duty assignments shall include at least one joint duty officer designated by the JCS Chairman.

12. Establishes the following promotion review process for officers who are serving, or have served, in joint duty assignments:

requires the Secretary of Defense to furnish to the Secreteries of the Military Departments guidelines to ensure that promotion boards give appropriate consideration to joint duty performance;

directs the JCS Chairman to review promotion board reports before they are submitted to the Secretary of Defense;

authorizes the Secretary of a Military Department, if the JCS Chairman determines that the promotion board acted contrary to the Secretary of Defense's guidelines, to return the report to the promotion board (or a subsequent promotion board) for further proceedings, convene a special promotion board, or take other appropriate action;

directs the Secretary of Defense to take appropriate action to resolve any remaining disagreement between the Secretary of a Military Department and the JCS Chairman.

13. Requires the Secretary of Defense to ensure that the qualifications of officers assigned to joint duty assignments are such that certain promotion rates will be achieved.

14. Requires, subject to a waiver by the Secretary of Defense, that an officer may not be promoted to general or flag rank unless he has served in a joint duty assignment.

15. Requires the JCS Chairman to evaluate the joint duty performance of officers recommended for three- and four-star rank.

16. Requires the Secretary of Defense to advise the President on the qualifications needed by officers to serve in three- and four-star positions.

TITLE V—MILITARY DEPARTMENTS

1. Specifies the responsibilities of the Secretaries of the Military Departments to the Secretary of Defense.

2. Specifies that the functions of the Military Departments are to be carried out so as to fulfill the operational requirements of the unified and specified combatant commands.

3. Makes consistent the appointment and statutory descriptions of the roles and authorities of the Secretaries of the Military Departments, Chiefs of Staff and other officials and officers.

4. Retains the civilian Secretariat and the military headquarters staff as separate staffs in each Military Department.

5. Consolidates sole responsibility for the following functions in each Service Secretariat: acquisition, auditing, comptroller, information management, inspector general, legislative affairs, and public affairs, prohibits the establishment or designation of any office within the military headquarters staffs to conduct any of these functions.

6. Consolidates sole responsibility for research and development in each Service Secretariat but specifies that the Secretaries of the Military Departments may assign to the military headquarters staffs responsibility for those aspects of research and development that relate to military requirements and test and evaluation.

7. Directs the Secretaries of the Military Departments to prescribe the relationship of offices within the Secretariats responsible for these functions to the Chiefs of Staff and the military headquarters staffs.

8. Retains the existing number and statutory titles (including Manpower and Reserve Affairs) of the Services' Assistant Secretaries.

9. Limits each military headquarters staff to five Deputy Chiefs of Staff and three Assistant Chiefs of Staff.

10. Reduces the number of general and flag officers on each military headquarters staff by 15 percent by September 30, 1988.

11. Reduces the number of personnel serving in the Secretariat and military headquarters staff of each Military Department; imposes a cap on such personnel at the reduced levels of September 30, 1988.

12. Requires the Chiefs of Staff to inform the Secretary of their Military Department of military advice rendered by JCS members on matters affecting their Military Departments, to the extent that such action does not impair the independence of the Chiefs of Staff in the performance of their JCS duties.

13. Requires the Chiefs of Staff, subject to the authority, direction, and control of the Secretary of Defense, to keep the Secretary of their Military Department fully informed of significant military operations affecting the duties of the Secretary of their Military Department.

14. Makes the functional assignments of the Navy consistent with those of the other Services by removing the statutory assignment of certain roles and missions (naval reconnaissance, antisubmarine warfare, and protection of shipping).

TITLE VI—MISCELLANEOUS

1. Reduces the number of defense reports required by the Congress from the President and the Defense Department by about two-thirds of the total.

2. Reduces the number of personnel serving on the lower-level headquarters staffs of the Military Departments and the unified and specified combatant commands; imposes a cap on such personnel at the reduced levels of September 30, 1988.

3. Requires the President to submit an annual report to the Congress on the national security strategy of the United States.

DEFENSE DEPARTMENT PERSONNEL REDUCTIONS

The conference substitute amendment reduces the number of military and civilian personnel serving on Defense Department staffs in order to streamline the administrative and operational chains of command.

DOD Element	Total personnel (fiscal year 1986) [1]	Conference reduction	
		Number	Percent/ years
1. Defense agencies/DOD field activities [2]	98,731	−9,788	−9.9/3
a. HQ element	(3,370)	(−489)	−14 5/3
b. Non-HQ element	(95,361)	(−9,299)	−9.75/3
2. Military departments	10,130	−1,520	−15.0/2
a. Secretariats	(1,544)	(−232)	−15.0/2
b. Military HQs	(8,586)	(−1,288)	−15.0/2
3. Remaining DOD HQs [3]	52,050	−5,205	−10.0/2

DOD Element	Total personnel (fiscal year 1986)[1]	Conference reduction	
		Number	Percent/years
Total	160,911	−16,513	−10.3

[1] All of these personnel figures include both military and civilian personnel

[2] The conference substitute amendment authorizes the Secretary of Defense to allocate all or part of the reductions specified for the Defense Agencies and DoD Field Activities to other elements of the Defense Department.

[3] The conference substitute amendment exempts the immediate headquarters staffs of the Commanders-in-Chief of the unified and specified combatant commands

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

SEC. 101. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

Reorganization of Code

The Senate amendment contained a provision (section 104) that would redesignate 16 existing sections of chapter 4 of title 10, United States Code. The Senate amendment contained a provision (section 110) that would reorganize chapter 4, transfer one existing section of chapter 4 to chapter 165, establish a new chapter 171, and transfer five existing sections of chapter 4 to chapter 171.

The House amendment contained no similar provisions.

The House recedes with amendments to:

(1) establish a new chapter 2 (Department of Defense) of title 10;

(2) transfer six existing sections of chapter 4 to chapter 2;

(3) transfer four existing sections of chapter 4 to chapter 3;

(4) establish a new chapter 144 (Oversight of Cost Growth in Major Programs);

(5) transfer four existing sections of chapter 4 to chapter 144;

(6) revise the heading of chapter 3 (General Powers and Functions);

(7) revise the heading of chapter 4 (Office of the Secretary of Defense);

(8) revise existing section 138; and

(9) reorganize chapter 4.

The resulting reorganization of chapters 2, 3, 4, and 144 (including the repeal of section 124 as provided in section 211 of the conference substitute amendment) are shown below with existing section numbers shown in brackets after the new section numbers.

CHAPTER 2—DEPARTMENT OF DEFENSE

Sec.
111. [131.] Executive department.
112. [132.] Department of Defense: seal.
113. [133.] Secretary of Defense.
114. [138.] Annual authorization of appropriations.
115. [138.] Annual authorization of personnel strengths; annual manpower requirements report.
116. [138.] Annual operations and maintenance report.
117. [133a.] Annual report on North Atlantic Treaty Organization readiness.
118. [133b.] Sale or transfer of defense articles: reports to Congress.

CHAPTER 3—GENERAL POWERS AND FUNCTIONS

Sec.
121. [121.] Regulations.
122. [122.] Official registers.

123. [123.] Suspension of certain provisions of law relating to reserve commissioned officers.
[124. [124.] Repealed.]
125. [125.] Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.
126. [126.] Transfer of funds and employees.
127. [140.] Emergency and extraordinary expenses.
128. [140a.] Fund transfers for foreign cryptologic support.
129. [140b.] Prohibition of certain civilian personnel management constraints.
130. [140c.] Authority to withhold from public disclosure certain technical data.

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.
131. [None] Office of the Secretary of Defense.
132. [134.] Deputy Secretary of Defense.
133. [134a.] Under Secretary of Defense for Acquisition.
134. [135.] Under Secretary of Defense for Policy.
135. [135.] Director of Defense Research and Engineering.
136. [136.] Assistant Secretaries of Defense.
137. [None] Comptroller.
138. [136a.] Director of Operational Test and Evaluation.
139. [137.] General Counsel.
140. [None] Inspector General.

CHAPTER 144—OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

Sec.
2431. [139.] Weapons development and procurement schedules: reports.
2432. [139a.] Selected Acquisition Reports.
2433. [139b.] Unit cost reports.
2434. [139c.] Independent cost estimates.

Composition of the Department of Defense

The Senate amendment contained a provision (section 102) to prescribe the composition of the Department of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment to require the President to notify the Congress within 60 days of establishing or designating an office, agency, activity, or command in the Department of Defense of a kind other than those described in section 111 of title 10 (as redesignated by section 101(a) and amended by section 101(b) of the conference substitute amendment). This requirement would not apply to any office, agency, activity, or command that would be, after establishment or designation, under the control or supervision of any element described in section 111 of title 10.

SEC. 102. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

The Senate amendment contained a provision (section 103) that would specify the following three additional duties for the Secretary of Defense:

(1) to inform the President, whenever a vacancy in a political position in the Department of Defense occurs, of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that position;

(2) to provide annually to the Chairman of the Joint Chiefs of Staff (JCS) written policy guidance for the preparation and review of contingency plans; and

(3) to keep the Secretaries of the Military Departments informed on military operations and activities of the Department of Defense that directly affect their responsibilities.

The House amendment contained no similar provision.

The House recedes with two amendments. First, the Secretary of Defense would be required to include in his guidance for the preparation and review of contingency plans the specific force levels and specific supporting resource levels projected to be available for the period of time for which the contingency plans are to be effective. The second amendment would require the Secretary of Defense, with the advice and assistance of the JCS Chairman, to provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components.

With respect to the additional duty assigned to the Secretary of Defense concerning the qualifications of political appointees, the conferees remain concerned about the lack of sufficient experience and expertise by persons appointed to political positions in the Department of Defense. In a field as complex as national defense, inexperienced political appointees are a fundamental weakness in achieving sound and effective management. Although the executive branch can most effectively solve this problem through its selection process, the Senate conferees agreed to establish and exercise more rigorous confirmation standards for persons nominated for these political positions.

Section 113(b) of title 10 (as redesignated by section 101 of the conference substitute amendment) provides that:

> The Secretary [of Defense] is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 2 of the National Security Act of 1947 (50 U.S.C. 401), he has authority, direction, and control over the Department of Defense.

This current provision ensures that the Secretary has full power over every facet of the Department of Defense. The Secretary has sole and ultimate power within the Department of Defense on any matter on which the Secretary chooses to act. Provisions of the conference substitute amendment refer to various activities as being subject to the powers of the Secretary of Defense, using the phrase "subject to the authority, direction, and control of the Secretary of Defense". The conferees agreed that use of this phrase is solely for purposes of emphasis and that the absence of this phrase elsewhere in the conference substitute amendment is not to be construed as limiting the power of the Secretary under section 113(b) to exercise authority, direction, and control over an activity. Likewise, the conferees agreed that provisions of the conference substitute amendment concerning the decisionmaking process or requiring the Secretary to act with the advice or assistance of another officer or official do not limit the power or responsibility of the Secretary of Defense in the exercise of his authority, direction, and control.

SEC. 103. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 101) that would repeal the authority of the Secretary of Defense to change functions, powers, and duties vested by law in the Department of Defense or in an officer, official, or agency of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

SEC. 104. OFFICE OF THE SECRFTARY OF DEFENSE

The Senate amendment contained a provision (section 105) that would establish in law the Office of the Secretary of Defense, specify its function and composition, and reenact section 718 and section 136(d) of title 10 as part of this provision.

House amendment contained no similar provision.

The House recedes with two amendments. First, the function of the Office of the Secretary of Defense would be broadened from "to assist the Secretary of Defense in carrying out his duties and responsibilities " to include "and to carry out such other duties as may be prescribed by law" The conferees determined that including the additional phrase reflects more accurately the function of the Office of the Secretary of Defense, especially in light of the broad responsibilities assigned to the Inspector General of the Department of Defense by the Inspector General Act of 1978 (5 U.S.C. App. 3).

The second amendment relates to existing section 718 of title 10 which reads:

> Officers of the armed forces may be detailed for duty as assistants or personal aides to the Secretary of Defense. However, the Secretary may not establish a military staff other than that [the Joint Chiefs of Staff] established by section 141(a) of this title.

The conferees determined that both sentences of section 718 were ambiguous. To provide necessary clarification, the conferees agreed that section 131(c) of title 10 (as added by section 104 of the conference substitute amendment) should specify that military officers may be assigned or detailed to permanent duty in the Office of the Secretary of Defense and that the Secretary may not establish a military staff in the Office of the Secretary of Defense.

SEC. 105. UNDER SECRETARY FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

The Senate amendment contained a provision (section 106) that would repeal the current prohibition against a person being appointed Under Secretary of Defense for Policy within 10 years after his relief from active duty as a commissioned officer of a regular component of an Armed Force.

The House amendment contained no similar provision.

The Senate recedes. The conferees determined that such a prohibition was an appropriate civilian control mechanism for this important policymaking position. In a related action, the conferees determined to specify a duty for the Under Secretary of Defense for Policy to assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans and in reviewing such plans. This action by the conference committee reflected continuing concern over the absence of effective civilian oversight of the contingency planning process. The assignment of this duty to the Under Secretary of Defense for Policy is connected to the additional duty regarding guidance for contingency plans that would be assigned to the Secretary of Defense by subsection (g)(2) of section 113 of title 10 (as added by section 102 of the conference substitute amendment).

The Military Retirement Reform Act of 1986 (Public Law 99-348) created the position of Under Secretary of Defense for Acquisition and established the position of Director of Defense Research and Engineering in the same section (section 135) of title 10 in which the position of Under Secretary of Defense for Policy is established. The conferees agreed that the Director of Defense Research and Engineering and the Under Secretary of Defense for Policy should be established in separate sections of title 10. Section 105 of the conference substitute amendment would merely make appropriate technical changes to establish the Under Secretary of Defense for Policy and the Director of Defense Research and Engineering in section 134 and section 135 of title 10, respectively.

The conferees agreed that none of the actions of the conference committee prejudge consideration of the duties of the new Under Secretary of Defense for Acquisition as contained in the versions of the Department of Defense Authorization Act for fiscal year 1987 passed by the Senate on August 9, 1986 (S. 2638) and by the House of Representatives on August 15, 1986 (H.R. 4428).

SEC. 106. ASSISTANT SECRETARIES OF DEFENSE

The Senate amendment contained a provision (section 107) that would repeal the specification in law of the titles and duties of the Assistant Secretary of Defense for Health Affairs; the Assistant Secretary of Defense for Manpower and Logistics; the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; and the Assistant Secretary of Defense (Comptroller).

The House amendment contained no similar provision.

The House recedes with an amendment to retain the statutory specification of the title and duties of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. The conferees agreed that this action by the conference committee does not prejudge the statutory specification of the title and duties of an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, as would be provided by the Department of Defense Authorization Bill for fiscal year 1987 passed by the Senate on August 9, 1986 (S. 2638).

SEC. 107. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 108) that would establish the position of Comptroller of the Department of Defense and would assign to that position the same duties now assigned to the Assistant Secretary of Defense (Comptroller).

The House amendment contained no similar provision.

The House recedes with an amendment to require that the Comptroller of the Department of Defense be appointed by the President, by and with the advice and consent of the Senate. The conferees agreed that the important duties of the Comptroller justify these appointment requirements. While agreeing to establish this position in law, the conferees intend that the President may, in his discretion, designate the Comptroller of the Department of Defense as an assistant secretary of defense.

SEC. 108. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

The Senate amendment contained a provision (section 109) that would recognize in title 10, by a cross reference to the Inspector General Act of 1978 (5 U.S.C. App. 3), the appointment and duties of the Inspector General of the Department of Defense.

The House amendment contained no similar provision.

The House recedes.

SEC. 109. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE

The House amendment contained a provision (section 502) that would require studies of the functions and organization of the Office of the Secretary of Defense by the Secretary of Defense, the Secretary of each Military Department, the JCS Chairman, and an independent contractor.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to require the Secretaries of the Military Departments to conduct a joint study and to revise the matters to be considered by each study. The conferees agreed that the Deputy Secretary of Defense should be responsible for supervising the study by an independent contractor of the Office of the Secretary of Defense.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

Section 110 of the conference substitute amendment would amend title 10 to make appropriate conforming and technical changes to implement the actions of the conference committee relating to title I of the conference substitute amendment.

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

Part A—Joint Chiefs of Staff

SEC. 201. REVISED FUNCTIONS OF CHAIRMAN; ESTABLISHMENT OF VICE CHAIRMAN

The Senate amendment contained a provision (section 111) that would make several changes in chapter 5 (Joint Chiefs of Staff) of title 10, United States Code.

The House amendment contained several provisions (sections 102 and sections 601-610) that would make similar changes in chapter 5 of title 10.

Sec. 151. Joint Chiefs of Staff: composition; functions

Composition of the Joint Chiefs of Staff

The House amendment contained a provision (section 601) that would specify that the Joint Chiefs of Staff (JCS) are "headed" by the Chairman.

The Senate amendment contained no similar provision.
The Senate recedes.

The Senate amendment contained a provision (section 111) that would designate the Vice Chairman as a member of the JCS.

The House amendment contained a provision (section 606) that would designate the Deputy Chairman as the Director of the Joint Staff.

The Senate recedes with an amendment to delete the designation of the Vice Chairman as the Director of the Joint Staff. Although the Vice Chairman will not be a member of the JCS, the conferees expect him to make an extremely important contribution to the work of the Chairman and the other JCS members. Under section 154(g) of title 10 (as amended by section 201 of the conference substitute amendment), the Vice Chairman outranks all other officers of the Armed Forces except the Chairman. In addition, section 154(d) of title 10 (as amended by section 201 of the conference substitute amendment) assigns the Vice Chairman the duty to act as the Chairman in the absence or disability of the Chairman or in the case of a vacancy in the office of Chairman. The conferees expect that when the Vice Chairman is acting for the Chairman, he shall be considered a full member of the JCS with the duties, authority, responsibilities, and status of the Chairman.

JCS Members as Military Advisers

The Senate amendment contained a provision (section 111) that would designate the members of the JCS as military advisers to the President, the National Security Council, and the Secretary of Defense, "as specified in this section" (section 151 of title 10, as amended by section 111 of the Senate amendment).

The House amendment contained no similar provision.

The House recedes with an amendment to clarify that the phrase "as specified in this section" refers to subsections (d) and (e) of section 151 of title 10, as amended by section 201 of the conference substitute amendment.

JCS as Military Staff to Secretary of Defense

The Senate amendment contained a provision (section 111) that would designate the Joint Chiefs of Staff, assisted by the Joint Staff, as the immediate military staff of the Secretary of Defense.

The House amendment contained no similar provision.

The Senate recedes.

Consultative Duties of the Chairman

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to take the following actions in the course of performing his duties: to convene regular JCS meetings; unless impracticable, to consult with and seek the advice of the other JCS members; and, when appropriate, to consult with and seek the advice of the unified and specified combatant commanders.

The House amendment contained a similar provision (section 601) that would require the JCS Chairman to perform his duties in consultation, as appropriate, with the other JCS members and with the unified and specified combatant commanders.

The Senate recedes with an amendment to require the Chairman to convene regular JCS meetings. The conferees intend that the Chairman shall consult, unless impracticable, with the other JCS members on issues which he judges to be of major importance. On matters that the Chairman considers to be of lesser significance, the conferees expect him to consult, when he considers appropriate, with the other members of the Joint Chiefs of Staff.

Chairman to Present Range of Advice

The House amendment contained a provision (section 606) that would amend existing section 142(b)(3) of title 10 to require the JCS Chairman to inform the Secretary of Defense, and, when the President or the Secretary of Defense considers it appropriate, the President, of the military advice of the JCS as a body on those matters for which advice is requested by the President or the Secretary of Defense (including advice on matters on which JCS members have not agreed).

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. First, the Chairman is required, as he considers appropriate, to inform the President, the National Security Council, or the Secretary of Defense of the range of military advice and opinion on a matter for which advice has been requested. Second, the relationship of this provision to section 151(d) of title 10 (as amended by section 201 of the conference substitute amendment) is clarified. The conferees do not intend to alter the responsibility of the Chairman to submit other JCS members' dissenting views (under section 151(d) of title 10, as amended by section 201 of the conference substitute amendment) by giving the Chairman discretion in informing senior civilian officials of the range of military advice.

Dissenting Views of JCS Members

The Senate amendment contained a provision (section 111) that would authorize any JCS member to submit advice in disagreement or in addition to the advice provided by the Chairman to the President, the National Security Council (NSC), or the Secretary of Defense. If a member submits such advice, the Chairman would be required to present that advice at the same time he presented his own advice to the President, the NSC, or the Secretary of Defense.

The House amendment contained a similar provision (section 606).

The House recedes with an amendment to ensure that the dissenting views of other JCS members will not unduly delay the presentation of the Chairman's advice.

JCS Members' Advice Upon Request

The Senate amendment contained a provision (section 111) that would direct JCS members (other than the Chairman), in their capacity as military advisers, to provide advice on a particular matter in response to a request from the President, the National Security Council, or the Secretary of Defense.

The House amendment contained a similar provision (section 606) that would direct the JCS, as a body, to provide advice to the

President and the Secretary of Defense on matters for which such advice was requested.

The House recedes with an amendment to require the members of the JCS, individually or collectively, in their capacity as military advisers, to provide advice to the President, the NSC, or the Secretary of Defense on a particular matter whenever it is requested.

Sec. 152. Chairman: appointment; rank

Term of the JCS Chairman

The Senate amendment contained a provision (section 111) that would authorize the President to appoint the JCS Chairman to three 2-year terms.

The House amendment contained a provision (section 605) that would authorize the President to appoint the JCS Chairman to two 4-year terms.

The House recedes.

The Senate amendment contained a provision (section 111) that would specify that the term of the JCS Chairman would expire not later than 6 months after the beginning of a new Presidency. The purpose of this requirement was to give a newly elected President an automatic opportunity to retain or release the military officer who would serve as his principal military adviser.

The House amendment contained a provision (section 605) that would specify that, if a JCS Chairman did not complete his term, his successor would serve only for the remainder of the unexpired term.

The Senate recedes with the following two amendments: to specify that the Chairman's term will begin on October 1st of odd-numbered years, and to clarify that a successor to a Chairman who failed to complete his term may be reappointed to two 2-year terms.

The House amendment contained a provision (section 605) that would specify that the first appointment of a JCS Chairman made on or after the date of enactment of the House amendment would be for a term ending on June 30, 1990.

The Senate amendment contained no similar provision.

The House recedes.

Combined Service as Chairman and Vice Chairman

The Senate amendment contained a provision (section 111) that would limit to 6 years the combined length of time that a military officer could serve as JCS Chairman and Vice Chairman. The President would be authorized to extend this limitation to 8 years if he determined such action was in the national interest.

The House amendment contained no similar provision.

The House recedes.

Qualifications for Appointment as JCS Chairman

The Senate amendment contained a provision (section 111) that would require, subject to a waiver by the President, that JCS members have served in at least one joint duty position for a substantial period of time before their assignment to the JCS.

The House amendment contained a provision (section 301) that would require that, whenever practicable, an officer recommended to the President for appointment as JCS Chairman have served as a Chief of Service or as a unified or specified combatant commander.

The Senate recedes with an amendment to require, subject to a waiver by the President, that the Chairman have served as the Vice Chairman, a Service Chief, or a unified or specified combatant commander before his appointment.

Grade of the JCS Chairman

The Senate amendment contained a provision (section 111) that would specify that the JCS Chairman, while so serving, holds the grade of general or admiral.

The House amendment contained no similar provision.

The House recedes.

Sec. 153. Chairman: functions

Duties of the JCS Chairman

Both the Senate and House amendments would make several changes in the duties assigned to the Joint Chiefs of Staff and would transfer responsibility for those duties, as amended, to the JCS Chairman.

The Senate amendment contained a provision (section 111) that would amend existing section 141(c)(1) of title 10 to require the JCS Chairman to prepare strategic plans to provide for the strategic direction of the armed forces, including plans which conform with resource levels projected by the Secretary of Defense.

The House amendment contained no similar provision. Therefore, it would assign to the Chairman the duty prescribed by existing section 141(c)(1) of title 10 to prepare strategic plans and provide for the strategic direction of the armed forces.

The House recedes with an amendment to provide that the JCS Chairman shall assist the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

The Senate amendment contained a provision (section 111) that would amend existing section 141(c)(2) of title 10 to clarify that the purpose of the joint logistic and mobility plans prepared by the JCS Chairman would be to support contingency plans.

The House amendment contained no similar provision.

The House recedes with an amendment to broaden the purpose to include strategic plans as well as contingency plans.

The House amendment contained a provision (section 102) that would require the JCS Chairman to perform net assessments.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed to direct that, in conducting net assessments, the JCS Chairman shall include the wartime capabilities of the U.S. Coast Guard.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to provide for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to advise the Secretary of Defense on critical deficiencies and strengths in force capabilities which are identified during the preparation and review of contingency plans. The Chairman would then be required to assess the effect of such deficiencies and strengths on meeting national security objectives and on strategic plans.

The House amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 102) that would require the JCS Chairman to establish and maintain a uniform system of evaluating the preparedness of the unified and specified combatant commands.

The Senate amendment contained no similar provision.

The Senate recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to advise the Secretary of Defense on the extent to which the annual program recommendations and budget proposals of components of the Defense Department conform with strategic priorities and the unified and specified combatant commanders' operational requirements.

The House amendment contained a provision (section 102) that would specify two duties for the JCS Chairman. First, the Chairman would submit to the Secretary of Defense an annual recommendation for the broad allocation of defense resources based upon the Secretary's guidance, the unified and specified combatant commanders' recommendations, and the recommendations of other Defense Department components.

Second, the Chairman would recommend to the Secretary of Defense the changes that would be necessary to make the program objectives and budget proposals of the Military Departments and the combat support agencies consistent with the Chairman's recommendation for the broad allocation of defense resources.

The House recedes with two amendments. First, the Chairman is required to advise the Secretary of Defense on the priorities of the requirements identified by the unified and specified combatant commanders.

Second, the Chairman is required to submit to the Secretary of Defense alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities established in strategic plans and with the priorities established for the unified and specified combatant commanders' requirements.

The House amendment contained a provision (section 102) that would require the JCS Chairman to recommend to the Secretary of Defense a budget for each unified and specified combatant command.

The Senate amendment contained no similar provision.

The Senate recedes.

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to assess joint military requirements for defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with an amendment to broaden the duty to encompass all military requirements. Despite the broad nature of this responsibility, the conferees strongly believe that the Chairman should not be required to spend too much time and energy on the acquisition of defense systems. The Chairman's unique role in planning and operational matters is far too important to allow him to be preoccupied with acquisition issues. The conferees' only purpose in broadening his duty to assess military requirements is to give the Chairman and the Secretary of Defense flexibility in delineating the Chairman's role in the acquisition process.

The House amendment contained a provision (section 102) that would require the JCS Chairman to monitor the extent to which each Military Department provided officers for joint duty assignments.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to clarify the information required on each Military Department's share of joint duty assignments and to transfer this provision to section 667 of title 10, as added by section 401 of the conference substitute amendment.

Report on the Services' Roles and Missions

The Senate amendment contained a provision (section 111) that would require the JCS Chairman to submit a periodic report to the Secretary of Defense on the assignment of functions or roles and missions to the four military Services.

The House amendment contained no similar provision.

The House recedes.

Sec. 154. Vice Chairman

Title of the Vice Chairman

The Senate amendment contained a provision (section 111) that would establish the position of Vice Chairman of the Joint Chiefs of Staff.

The House amendment contained a provision (section 606) that would establish the position of Deputy Chairman of the Joint Chiefs of Staff.

The House recedes.

Term of the Vice Chairman

The Senate amendment contained a provision (section 111) that would authorize the President to appoint the Vice Chairman to three 2-year terms.

The House amendment contained a provision (section 606) that would authorize the President to appoint the Deputy Chairman to two 4-year terms.

The House recedes.

Duties of the Vice Chairman

The Senate and House amendments contained identical provisions (sections 111 and 606, respectively) that would require the Vice Chairman to perform the duties delegated by the Chairman with the approval of the Secretary of Defense.

Like the duties of other deputy officials and officers in the Defense Department, those of the Vice Chairman would not be specified by title 10. Subject to the approval of the Secretary of Defense, the Chairman would enjoy substantial flexibility in determining the duties of the Vice Chairman.

Despite this broad grant of authority, the conferees strongly believe that the Vice Chairman, like the Chairman, should not be required to participate too deeply in the defense acquisition process. Instead, the Vice Chairman should assist the Chairman in carrying out the significant responsibilities he already bears as well as the many new ones assigned by this conference substitute amendment. In particular, the Chairman performs unique planning and advisory duties (including representing the interests of the unified and specified combatant commanders) that would greatly benefit from the assistance of the Vice Chairman.

Qualifications for Appointment as Vice Chairman

The Senate amendment contained a provision (section 111) that would require, subject to a waiver by the President, that JCS members (including the Vice Chairman) have served in at least one joint duty position for a substantial period of time before their assignment to the JCS.

The House amendment contained no similar provision for the Vice Chairman.

The House recedes with an amendment to require, subject to a waiver by the President, that the Vice Chairman have the joint specialty (established in title IV of the conference substitute amendment) and have served in at least one joint duty assignment as a general or flag officer before his appointment. In addition, the conferees provided, in section 204 of the conference substitute amendment, a transition provision for use by the President before full application of these new requirements.

Vice Chairman as the Acting Chairman

The Senate amendment contained a provision (section 111) that would provide that the Vice Chairman, unless otherwise directed by the President or Secretary of Defense, would act for the Chairman when there was a vacancy in the office of Chairman or in the absence or disability of the Chairman.

The House amendment contained an identical provision (section 606), except that it did not include authority for the President or Secretary of Defense to direct that the Vice Chairman would not act for the Chairman in his absence.

The Senate recedes with an amendment to direct the President to designate a JCS member to act for the Chairman if both the Chairman and Vice Chairman should be absent or disabled.

Sec. 155. Joint Staff

Assistance to the Chairman and Other JCS Members

The Senate amendment contained a provision (section 111) that would specify that, subject to the authority, direction, and control of the Chairman, the Joint Staff would assist the Chairman and the other JCS members in carrying out their responsibilities.

The House amendment contained no similar provision.

The House recedes with an amendment to specify that the Joint Staff is to assist the Vice Chairman, as well as the Chairman and the other JCS members, in carrying out his responsibilities.

Selection of the Director of the Joint Staff

The Senate amendment contained a provision (section 111) that would authorize the JCS Chairman to select the Director of the Joint Staff.

The House amendment contained no similar provision.

The House recedes.

Management of the Joint Staff

The Senate amendment contained a provision (section 111) that would specify that the JCS Chairman would manage the Joint Staff and its Director.

The House amendment contained no similar provision.

The House recedes.

Duties and Staffing Procedures of the Joint Staff

The Senate amendment contained a provision (section 111) that would require the Joint Staff to perform the duties prescribed by the JCS Chairman under such procedures as he directed.

The House amendment contained a provision that would require the Joint Staff to perform the duties prescribed by the Chairman.

The House recedes.

Operation of the Joint Staff

The House amendment contained a provision (section 607) that would require the Secretary of Defense to ensure that the Joint Staff was independently organized and operated so that it could support the JCS Chairman in meeting the congressional purpose set forth in the National Security Act of 1947.

The Senate amendment contained no similar provision.

The Senate recedes.

Organization of the Joint Staff Along Conventional Staff Lines

The Senate amendment contained a provision (section 111) that would amend existing section 143(d) of title 10 to authorize the Joint Staff to be organized and operated along conventional staff lines to support the JCS Chairman and the other JCS members in discharging their responsibilities.

The House amendment contained an identical provision (section 607), except that it referred only to the Chairman (and not to the other JCS members as well).

The Senate recedes with an amendment to delete the reference to the support that the Joint Staff is to provide the Chairman. The conferees determined that this provision need not specify that the Joint Staff is to support the Chairman or the other JCS members because that function is already specified in section 155(a) of title 10 (as amended by section 201 of the conference substitute amendment). Instead, the primary purpose of this provision is to prohibit the Joint Staff from exercising executive authority and from being organized and operated as a General Staff. These prohibitions are fully preserved in the conferees' action.

Authority to Suspend Joint Staff Officers

As part of the action of the conference committee on part B of title II of the conference substitute amendment, the conferees agreed to authorize the commander of a unified or specified combatant command to suspend from duty and recommend the reassignment of any officer within his command. The conferees believe that the JCS Chairman should be able to exercise similar authority over Joint Staff officers.

Therefore, the conferees agreed to clarify existing section 143(a)(3) of title 10 to authorize the Chairman to suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. However, the conferees agreed that procedures required by this provision pertain solely to the relationships between the Chairman and the Military Department concerned with respect to service by an officer on the Joint Staff. The conferees agreed that nothing in this provision confers on an officer assigned to the Joint Staff any procedural rights concerning suspension from duty or reassignment.

Organization of the Joint Staff to Perform Net Assessments

The House amendment contained a provision (section 102) that would require the JCS Chairman to ensure that the Joint Staff was organized and staffed so as to enable the Chairman to perform net assessments.

The Senate amendment contained no similar provision.

The House recedes. The conferees did not believe it was necessary to specify in statute that the JCS Chairman should ensure that the Joint Staff is capable of assisting him in performing net assessments. Section 201 of the conference substitute amendment includes the performance of net assessments among the duties of the Chairman. Therefore, the conferees fully expect the Chairman to organize and operate the Joint Staff so that it is able to assist him in carrying out this important responsibility.

Limitation on Size of Joint Staff

The Senate amendment contained a provision (section 111) that would impose, as of October 1, 1988, a limitation of 1,617 on the number of civilian and military personnel serving on the Joint Staff. The Joint Staff would be defined to include all civilian and military personnel assigned or detailed to permanent duty to assist the JCS Chairman and Vice Chairman in carrying out their responsibilities and to assist the other JCS members in carrying out their JCS responsibilities.

The House amendment contained no similar provision. Therefore, it would continue the limitation specified in existing section 143(a)(1) of title 10 of 400 officers on the size of the Joint Staff (without defining the Joint Staff).

The House recedes with the following two amendments: to set the limitation at 1,627 and to clarify the definition of the Joint Staff to include only those personnel assigned or detailed to permanent duty in the executive part of the Defense Department to perform the Joint Staff functions and duties prescribed under sections 155 (a) and (c) of title 10, as amended by section 201 of the conference substitute amendment.

Report on Further Changes

The House amendment contained a provision (section 610) that would require the Secretary of Defense to submit a report to the Congress on the manner in which several changes to the JCS system, the unified and specified combatant commands, and the management of joint duty officers could be implemented.

The Senate amendment contained no similar provision.

The House recedes. Most of the matters that would have been included in the Secretary's report are addressed elsewhere in the conference substitute amendment.

SEC. 203. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS

The House amendment contained a provision (section 609) that would require the JCS Chairman, subject to the direction of the President, to attend meetings of the National Security Council (NSC) and would authorize the Chairman, as directed by the President, to participate in its deliberations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to authorize the Chairman, in his role as the principal military adviser to the NSC and subject to the direction of the President, to attend and participate in NSC meetings..

SEC. 204. TRANSITION

Preparedness Evaluation System

As part of the action of the conference committee on section 153(a)(3)(D) of title 10 (as added by section 201 of the conference substitute amendment), the conferees agreed to require that the uniform system of evaluating the preparedness of the unified and specified combatant commands be established not later than 1 year after the date of enactment.

Date for First Report on Services' Roles and Missions

The Senate amendment contained a provision (section 111) that would require the Chairman to submit his first report on the military Services' roles and missions not later than 1 year after the date of enactment.

The House amendment contained no similar provision.

The House recedes with an amendment to require the first report to be submitted 2 years after the date of enactment.

Waiver of Qualifications for Appointment as Vice Chairman

As part of the action of the conference committee on section 154(b) of title 10 (as added by section 201 of the conference substitute amendment), the conferees agreed to authorize the President to waive the qualifications for appointment as the JCS Vice Chairman during a transition period before full application of the requirements of section 154(b). Under section 204(c) of the conference substitute amendment, the President would be authorized to waive:

(1) for a 2-year period after enactment, the requirement the Vice Chairman have the joint specialty;

(2) for a 4-year period after enactment, the requirement that the Vice Chairman have served in a joint duty assignment for 3 years if the Vice Chairman has served in such an assignment for not less than 2 years; and

(3) for a 4-year period after enactment, the requirement that the Vice Chairman have served in a joint duty assignment as a general or flag officer if the Vice Chairman served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

Although section 154(b)(2) of title 10 (as added by section 201 of the conference substitute amendment) provides the President with authority to waive the requirements for appointment as the Vice Chairman, the conferees agreed to provide a specific waiver for a limited transition period so that the exercise of a Presidential waiver, as would be required in the immediate future, would not become standard practice. After the transition period, the conferees expect the President to exercise his permanent waiver authority only in an extremely limited number of cases and only for officers of exceptional talent who may fail to meet the specified criteria.

PART B—COMBATANT COMMANDS

SEC. 211. ESTABLISHMENT OF COMBATANT COMMANDS AND AUTHORITY OF COMMANDERS

Sec. 161. Combatant commands: establishment

Review of Combatant Command Structure

The Senate amendment contained a provision (section 112) that would require the President to review periodically, but not less often than every 2 years, the missions, tasks, responsibilities (including geographic boundaries), and force structure of each unified and specified combatant command and to make whatever revisions are necessary to respond to changing conditions.

The House amendment contained a provision (section 101) that would require the JCS Chairman periodically (not less often than every other year) to review the overall structure of the combatant commands and to recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.

The Senate recedes.

The Senate amendment contained a provision (section 112) that would require the President to notify Congress, except during time of hostilities, at least 60 days before establishing a new combatant command or before significantly revising the missions, tasks, responsibilities, or force structure of an existing combatant command.

The House amendment contained a provision (section 101) that would require the President to inform Congress promptly of any action taken in response to recommendations made by the Chairman.

The House recedes with an amendment to require the Presidential notification at least 60 days after establishing a new combatant command or after significantly revising the missions, responsibilities, or force structure of an existing combatant command.

The Senate amendment contained a provision (section 112) that would define four terms for chapter 6 of title 10: unified combatant command, specified combatant command, combatant command, and combatant forces.

The House amendment contained no similar provision.

The House recedes with an amendment to delete the definition of the term "combatant force" which is not used in chapter 6 of title 10 (as provided by the conference substitute amendment).

Social Combatant Commands

The House amendment contained a provision (section 101) that would authorize the President to establish special combatant commands if the President determined that the situation warranted such a force to perform a specific military mission. This provision would also require the President to prescribe the shortest practicable chain of command for each force deployed consistent with proper supervision and support.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that the President already has authority, as Commander in Chief, to establish such special combatant commands and to prescribe their chains of command. The conferees do believe that considerable study of how the President can more effectively use such authority in crises is needed. The role of the President and the Secretary of Defense in crises during the last 30 years has been inconsistent. In some instances, the President and the Secretary have failed to take prompt action to ensure the effective organization, employment, direction, and control of U.S. military forces committed to combat operations. As a consequence, streamlined command arrangements and other necessary adjustments tailored to the situation have not been established. In other instances, the President and the Secretary have been over-involved and have engaged in unnecessary micro-management of tactical operations.

The conferees agreed that there is a genuine requirement for effective Presidential control in efforts to manage certain crises, especially those with the potential for superpower confrontation. In today's international security environment, in which both the United States and the Soviet Union possess substantial nuclear arsenals and in which the two superpowers are locked in competition either directly or indirectly in numerous world areas, the need to manage and terminate confrontations before they escalate to war has become increasingly important.

To begin the necessary study of how the President can more effectively manage crises, the conferees agreed to direct that the initial review of the combatant commands (Unified Command Plan), as required by section 212 of the conference substitute amendment, should develop procedures by which the President could systematize his evaluation of command arrangements, including the chain of command. Such procedures should produce more effective responses to, and management of, any crisis, however unique, that may occur.

Sec. 162. Combatant commands: assigned forces; chain of command

Assignment of Forces

The Senate amendment contained a provision (section 112) that would require all combatant forces of the Military Departments to be assigned to combatant commands, unless otherwise directed by the Secretary of Defense. This provision would also require each Secretary of a Military Department, with the approval of the Secretary of Defense and consistent with the force structure prescribed by the President for each combatant command, to assign combatant forces of his Military Department to combatant commands.

The House amendment contained a provision (section 101) that would require the Secretaries of the Military Departments to assign all forces under their jurisdiction, except for forces assigned to the recruiting, organizing, training, or supplying of the armed forces, to combatant commands. This provision would also require such assignments to be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. In addition, this provision would specify that a force not assigned to a combatant command remains in the Military Department concerned.

The Senate recedes with amendments to: (1) require the Secretary of Defense to ensure that assignments of forces to combatant commands are consistent with the force structure prescribed by the President; (2) provide that forces required to be assigned to combatant commands do not include forces assigned to carry out the functions of the Secretaries of the Military Departments; and (3) delete the specification that a force not assigned to a combatant command remains in the Military Department concerned. The conferees agreed to the third amendment because this specification was unnecessary.

The House amendment contained a provision (section 101) that would require the commanders of combatant commands (hereafter referred to as "combatant commanders") and the Secretaries of the Military Departments, as directed by the Secretary of Defense, to assign forces under their jurisdiction to special combatant commands.

The Senate amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 101) that would provide, unless otherwise directed by the Secretary of Defense, that all forces operating within the geographic area of a unified combatant command would be assigned to and under the command of the commander of that command. This provision would also provide that this requirement would apply to forces of specified or special combatant commands only as prescribed by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the portion of the House provision relating to special combatant commands.

Chain of Command

The Senate amendment contained a provision (section 112) that would specify that, unless otherwise directed by the President, the chain of command for the operational direction of the combatant commands runs from the President to the Secretary of Defense to the combatant commanders. This provision would also authorize, subject to the limitations that the JCS Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces, the President or the Secretary of Defense to direct communications from the Secretary of Defense to the combatant commanders to run through the JCS Chairman.

The House amendment contained a provision (section 603) that would authorize the President or Secretary of Defense to direct that the national military chain of command runs to the combatant commanders through the JCS Chairman.

The House recedes with three amendments. First, the phrase "for the operational direction" would be dropped from the description of the chain of command. The conferees agreed that this phrase may serve as an unintended limitation or may cause confusion. The second amendment would authorize only the President to direct that communications between the President or the Secretary of Defense and the combatant commanders be transmitted through the JCS Chairman. The third amendment would authorize the President to assign duties to the Chairman to assist the President and Secretary of Defense in performing their command function.

The conferees agreed that the JCS Chairman should not be, or appear to be, placed in the chain of command. Moreover, the conferees determined that the extremely important chain of command to the warfighting commands should be clearly prescribed. Without infringing upon the President's authority as Commander in Chief to direct otherwise, the conference substitute amendment would specify the normal chain of command that the Congress finds to be preferable in terms of meeting national security needs and preserving civilian control of the military.

At the same time, the conferees agreed that the President and the Secretary of Defense will need the assistance of the JCS Chairman in exercising their command function. The conference substitute amendment would authorize the President to direct communications to and from the combatant commanders to be transmitted through the JCS Chairman and to assign duties to the JCS Chairman to assist the President and Secretary of Defense. Should such communications run through the JCS Chairman, the orders that come from the Chairman must be initiated by, authorized by, and in the name of the President or the Secretary of Defense. Even if the President should exercise these authorities, the conferees intend that (1) the JCS Chairman would not be part of the chain of command, and (2) the chain of command would not run through the JCS Chairman. The conferees determined that the role of the JCS Chairman regarding operational matters must be carefully prescribed in order to ensure the absolute and unquestioned integrity of the fundamental principle of civilian control of the military.

Sec. 163. Role of Chairman of Joint Chiefs of Staff

The Senate amendment contained a provision (section 112) that would authorize the Secretary of Defense to assign responsibility to the JCS Chairman for overseeing the activities of the combatant commands. This provision would also specify that such an assignment to the JCS Chairman, however, would not (1) confer any command authority, or (2) alter the direct responsibility of the combatant commanders to the Secretary of Defense.

The House amendment contained a provision (section 101) that would specify that the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, supervises the combatant commanders.

The House recedes. The conferees agreed that this authority would provide the Secretary of Defense with a means of providing for the more effective control and coordination of the combatant commands. Because the Secretary's span of control is great and the time that he can devote to supervisory activities is limited, the conferees believe that the JCS Chairman could usefully assist the Secretary in overseeing the combatant commands.

The conferees have purposely framed this provision to allow the Secretary of Defense complete latitude in defining the JCS Chairman's oversight role. The conferees believe that the Chairman's oversight of the combatant commanders should assume whatever character the Secretary of Defense considers appropriate. The conferees intend that the Chairman act only as the Secretary's agent in exercising oversight; that is, for and on behalf of the Secretary, and only by his authority. The conferees contemplate, however, that the Secretary would employ the Chairman in oversight capacities such as coordinating matters that involve two or more combatant commanders, directing the combatant commanders' submissions of requirements, overseeing the state of readiness of each combatant command, and verifying the execution of orders issued by the President and the Secretary of Defense.

The Senate amendment contained a provision (section 112) that would reenact with amendments subsection (c)(2) of the current section 124 of title 10 that designates the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, as the spokesman for the combatant commanders on their operational requirements. This provision would specify activities of the JCS Chairman in performing his responsibility as spokesman for the combatant commanders.

The House amendment contained a provision (section 101) that would provide that the JCS Chairman, subject to the authority, direction, and control of the Secretary of Defense, is the spokesman of the commanders of the combatant commands at the seat of Government.

The House recedes with an amendment to provide that the JCS Chairman will serve as the spokesman for the combatant commanders on all requirements of their commands, but especially on operational requirements.

Sec. 164. Commanders of combatant commands: assignment; powers and duties

Assignment of Combatant Commanders

The Senate amendment contained a provision (section 112) that would provide that the President may assign to serve as commanders of unified combatant commands only officers who have served in one or more joint duty positions for a substantial period of time. This provision would also provide a Presidential waiver of this requirement in the case of any officer if the President determines that such action is necessary in the national interest.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish policies to ensure, whenever practicable, the application of certain criteria to the selection of an officer for recommendation to the President for assignment as the commander of a unified or specified combatant command. The specified criteria would be that the officer have the joint specialty (as provided in section 301 of the House amendment) and have had at least one joint duty assignment as a general or flag officer.

The Senate recedes with amendments to require that the President may assign an officer to serve as a combatant commander only if he meets the criteria specified in the House provision, to provide a Presidential waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide an appropriate transition provision for use by the President before full application of these new requirements. The transition provision is provided in section 214 of the conference substitute amendment.

Responsibilities of Combatant Commanders

The Senate amendment contained a provision (section 112) that would specify that each combatant commander performs his duties under the authority, direction, and control of the Secretary of Defense and is directly responsible to the Secretary for the performance of his command and its preparedness to execute assigned missions.

The House amendment contained no similar provision.

The House recedes with amendments to specify that, subject to the direction of the President, the combatant commander performs his duties and is responsible as provided in the Senate provision and to delete the portion of the Senate provision relating to "the performance of his [combatant commander's] command." The conferees agreed to the second amendment because a combatant commander is responsible to both the President and the Secretary of Defense for the performance of his command as provided in section 164(b)(1) of title 10 (as added by section 112 of the conference substitute amendment).

The Senate amendment contained a provision (section 112) that would prescribe the basic responsibilities of each combatant commander concerning maintaining security, carrying out missions, and assigning tasks to, and directing coordination among, his subordinate commanders.

The House amendment contained no similar provision.

The Senate recedes. The conferees determined that these basic responsibilities would be more appropriately prescribed by administrative regulation.

Command Authority of Combatant Commanders

The Senate amendment contained a provision (section 112) that would assign to each combatant commander the following authority over forces assigned to his command:

(1) exercising full operational command over assigned forces, including all aspects of military operations and joint training,

(2) prescribing the chain of command to, and organizational relationship among, the commands and forces within the command; and

(3) coordinating and approving, as assigned by the Secretary of Defense after consultation with the Secretaries of the Military Departments and the combatant commander, those aspects of administration and support necessary for accomplishment of the missions assigned to the command.

The House amendment contained a provision (section 101) that would assign to each combatant commander the following authority over forces assigned to his command:

(1) exercising command over assigned forces, meaning the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions;

(2) training assigned forces; and

(3) employing assigned forces to accomplish assigned missions.

The conferees determined that neither the term "full operational command" nor the term "command", as currently used within the Department of Defense, accurately described the authority that combatant commanders need to carry out effectively their duties and responsibilities. Accordingly, the conferees agreed to avoid the use of either term in the conference substitute amendment, but instead to specify the authority that the conferees believe a combatant commander needs.

The conference substitute amendment would provide that, unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the combatant commander over assigned commands and forces would include the command functions of:

(1) giving authoritative direction to subordinate commands and forces necessary to carry out assigned missions, including authoritative direction over all aspects of military operations, joint training, and logistics;

(2) prescribing the chain of command to the commands and forces within the command;

(3) organizing commands and forces within the command as he considers necessary to carry out assigned missions;

(4) employing forces within the command as he considers necessary to carry out assigned missions;

(5) assigning command functions to subordinate commanders;

(6) coordinating and approving those aspects of administration and support (including control of resources and equip-

ment, internal organization, and training) and discipline necessary to carry out assigned missions; and

(7) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, provided, respectively, in subsections (e), (f), and (g) of section 164 of title 10 (as added by section 211 of this conference substitute amendment) and in section 822(a) of title 10 (as amended by section 211 of the conference substitute amendment).

The House amendment contained a provision (section 101) that would require the Secretary of Defense to ensure that combatant commanders have sufficient authority over assigned forces to exercise effective command over those forces.

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. First, the Secretary of Defense is to ensure, after consultation with the JCS Chairman, that the combatant commander has sufficient authority, direction, and control over both assigned commands and forces. The second amendment would require the Secretary of Defense to review periodically and, after consultation with the Secretaries of the Military Departments, the JCS Chairman, and the combatant commander, assign authority to the combatant commander for those aspects of administration and support that the Secretary considers necessary to carry out assigned missions.

The House amendment contained a provision (section 101) that would require a combatant commander to inform the Secretary of Defense promptly if at any time he considers his authority to be insufficient.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority over Subordinate Commanders

The Senate amendment contained a provision (section 112) that would provide, unless directed otherwise by the President or the Secretary of Defense, that commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the combatant commander on all matters for which he has been assigned full operational command or other authority.

The House amendment contained no similar provision.

The House recedes with an amendment to delete "full operational command or other authority" and substitute "authority under subsection (c)" of section 164 of title 10 (as added by section 211 of the conference substitute amendment).

The Senate amendment contained a provision (section 112) that would authorize, unless directed otherwise by the President or the Secretary of Defense, a combatant commander (1) to establish procedures for the communications of his subordinate commanders with other elements of the Department of Defense on any matter for which he has been assigned full operational command or other authority, and (2) to direct that he be advised of all other communications by his subordinate commanders.

The House amendment contained no similar provision.

The House recedes with amendments to delete "full operational command or other authority" and substitute "authority under subsection (c)" of section 164 of title 10 (as added by section 211 of the conference substitute amendment) and to make these requirements apply to communications to and from the subordinate commanders.

Selection of Subordinate Commanders

The Senate amendment contained a provision (section 112) that would require that the selection of a directly subordinate commander be made only with the concurrence of a combatant commander. This provision would authorize the Secretary of Defense to waive this requirement if he determines such action is necessary in the national interest.

The House amendment contained a provision (section 101) that would require the selection or the selection for recommendation to the President of a principal subordinate officer to be made by the combatant commander. The selection would be made from a list of officers submitted by the Secretary of the Military Department concerned, with the number of officers on such list to be specified by the combatant commander.

The House recedes with an amendment to require the concurrence of the combatant commander in the assignment or recommendation for assignment of an officer as a directly subordinate commander. The distinction between "assignment" and "recommendation for assignment" is necessary because 3- and 4-star officers are nominated by the President (under section 601 of title 10) to positions of importance and responsibility and are subject to confirmation by the Senate for service in those positions. Only after confirmation by the Senate are these officers actually "assigned" to their positions. Thus, for those positions, the officer is not directly assigned, but instead, is recommended to the President for assignment.

In agreeing to this provision, the conferees intend that the subordinate commanders perceive the combatant commander, rather than officers in the Military Departments, as the superior whom they serve. The requirement for concurrence should be exercised by a combatant commander to demonstrate unequivocably that he is the "hiring" authority.

The Senate amendment contained a provision (section 112) that would require a combatant commander to evaluate the duty performance of each directly subordinate commander. The evaluation would be submitted to the Secretary of the Military Department concerned.

The House amendment contained no similar provision.

The House recedes with an amendment to require each evaluation to be submitted to the JCS Chairman as well as to the Secretary of the Military Department concerned. The conferees intend that each evaluation of a directly subordinate commander submitted by a combatant commander to the Secretary of a Military Department concerned shall be made a part of the personnel record of the subordinate commander.

Combatant Command Staff

The Senate amendment contained a provision (section 112) that would require each unified combatant command to have a joint staff with officers in key positions of responsibility from each Military Department having forces assigned to the command.

The House amendment contained no similar provision.

The House recedes with two amendments. The first House amendment requires the specified combatant commands to have such a staff as well. This provision of the conference substitute amendment does not use the term "joint staff" as was used in the Senate amendment. Because the House amendment broadened this provision to include specified combatant commands, the term "staff" is more appropriate. Under certain circumstances, a specified combatant command may not have a joint staff.

The second House amendment specifies that positions of responsibility on the staff of the combatant command shall be filled by officers from each of the Armed Forces having significant forces assigned to the command. If significant forces of the Army, Navy, Marine Corps, or Air Force are assigned to the combatant command, the unified or specified combatant commander should be assisted by officers in positions of responsibility from that Armed Force.

The Senate amendment contained a provision (section 112) that would require that all officers on the staff of a unified combatant command in the grade of colonel or Navy captain and above may be selected only with the concurrence of the unified combatant commander and only in accordance with procedures established by the Secretary of Defense.

The House amendment contained a provision (section 101} that would require the selection or the selection for recommendation to the President of all officers on the staffs of a unified or specified combatant command to be made by the combatant commander. The selection would be made from a list of officers submitted by the Secretary of the Military Department concerned, with the number of officers on such list to be specified by the combatant commander.

The House recedes with amendments to apply the Senate provision to the staffs of specified combatant commands as well as to the staffs of unified combatant commands, to apply the Senate provision to officers of all grades, to require the concurrence of the combatant commander in the selection or recommendation for nomination of each officer, and to provide authority for the Secretary of Defense to waive this requirement.

Authority to Suspend Subordinates

The Senate amendment contained a provision (section 112) that would authorize combatant commanders to suspend from duty and recommend the reassignment of any officer assigned to their commands.

The House amendment contained a provision (section 101) that would make the tenure of an officer assigned to a combatant command subject to the approval of the combatant commander.

The House recedes. For clarification, the authority of a combatant commander provided by this provision of the conference substitute amendment would apply to each officer of his command at any level. The conferees agreed that procedures required by this provision pertain solely to the relationships between a combatant commander and the Military Department concerned with respect to service by an officer in a combatant command. The conferees agreed that nothing in this provision confers on an officer assigned to a combatant command any procedural rights concerning suspension from duty or reassignment.

Sec. 165. Combatant commands: administration and support

The Senate amendment contained a provision (section 112) that would assign to the Secretary of Defense, with the advice and assistance of the JCS Chairman, responsibility for providing for the administration and support of forces assigned to each combatant command.

The House amendment contained a provision (section 101) that would require that the functions of the Secretary of Defense regarding the administration and support of forces assigned to combatant commands be carried out with the advice and assistance of the JCS Chairman.

The House recedes.

The Senate amendment contained a provision (section 112) that would continue the current responsibility of the Secretaries of the Military Departments, subject to the authority, direction, and control of the Secretary of Defense, to provide administration and support for the forces that they have assigned to combatant commands. This provision would require this responsibility to be exercised consistent with the authority assigned to the combatant commanders for coordinating and approving certain aspects of administration and support.

The House amendment contained a similar provision (section 101) except that it would only cover the administration of forces assigned to combatant commands and that it would not make the exercise of the responsibility of the Secretaries of the Military Departments consistent with the authority assigned to combatant commanders.

The House recedes. The conferees agreed that, if there is a disagreement as to whether a particular disciplinary matter should be handled by a Military Department or a combatant command, the Secretary of Defense has ample authority to resolve the matter with respect to a particular case or class of cases.

The Senate amendment contained a provision (section 112) that would authorize the Secretary of Defense, after consultation with the Secretaries of the Military Departments, to assign responsibility (or any part of the responsibility) for the administration and support of forces assigned to combatant commands to other components of the Department of Defense. Such responsibility would be exercised under the authority, direction, and control of the Secretary of Defense and consistent with the authority assigned to combatant commanders.

The House amendment contained a provision (section 101) that would authorize the Secretary of Defense to assign responsibility (or any part of the responsibility) for the support of forces assigned to a combatant command to one or more of the Military Departments, other agencies of the Department of Defense, or the combatant commander concerned. Unless the Secretary of Defense directs otherwise, the Secretary of each Military Department would be responsible for the support of forces assigned by that department to combatant commands.

The House recedes with an amendment to clarify that other components of the Department of Defense include Defense Agencies and combatant commands.

The House amendment contained a provision (section 101) that would provide that a combatant commander may submit to the Secretary of Defense a proposal for his command to perform a support function.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that combatant commanders should actively identify support functions that their commands should, in their judgment, perform and forward appropriate recommendations to the Secretary of Defense. However, the conferees believed that this provision of the House amendment need not be specified in law.

Sec. 166. Combatant commands: budget proposals

The House amendment contained a provision (section 101) that would require the Secretary of Defense, after consultation with the JCS Chairman, to submit to the Congress a separate budget proposal for activities of the combatant commands which may include joint exercises, force training, contingencies, and selected operations.

The Senate amendment contained no similar provision.

The Senate recedes.

The House amendment contained a provision (section 101) that would assign various responsibilities to the combatant commanders, the JCS Chairman, and the Secretary of Defense for submission and preparation of, and guidance for, the budget proposal for the activities of combatant commands.

The Senate amendment contained no similar provision.

The House recedes. The conferees believed that this provision of the House amendment was too detailed to include in statute. The conferees agreed, however, that the procedure specified in the House provision should be followed. In particular, the Chairman should review and analyze requests submitted by the combatant commanders, establish priorities in accordance with guidance provided by the Secretary, and recommend a budget for each command.

The House amendment contained a provision (section 101) that would specify that combatant commanders may have access to any net assessment conducted by an organization of the Department of Defense, may request assistance in preparing net assessments, and must include the results of net assessments performed by their commands in certain submissions.

The Senate amendment contained no similar provision.

The House recedes. The conferees believed that the House amendment was too detailed to include in statute. The conferees agreed, however, that:

(1) procedures should be established under which (a) a combatant commander could obtain the assistance of the Joint Staff and other Department of Defense organizations in performing net assessments required by the command; and (b) the findings, conclusions, and recommendations of net assessments conducted within the Department of Defense are made available to combatant commanders; and

(2) combatant commanders should (a) contribute, as appropriate, to net assessments performed by the Joint Staff; and (b) consider the findings and conclusions of net assessments relevant to their commands in evaluating the capabilities of their commands and in developing contingency plans.

Joint Commanders Council

The House amendment contained a provision (section 101) that would establish a Joint Commanders Council consisting of the JCS Chairman and the combatant commanders.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that there is a need to improve communications among and between combatant commanders and urge the Secretary of Defense to take appropriate actions to achieve necessary improvements.

Court-Martial Jurisdiction

The House amendment contained a provision (section 101(b)) that would amend section 822(a) of title 10 to provide court-martial jurisdiction to the Secretary of Defense and to the commanding officer of a combatant command.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 212. INITIAL REVIEW OF COMBATANT COMMANDS

The House amendment contained a provision (section 104) that would specify the matters to be considered in the initial review of the Unified Command Plan (as required by section 101 of the House amendment) and would require submission of the report of this initial review to the President not later than one year after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to revise the matters to be considered in the initial review of the combatant commands (Unified Command Plan).

SEC. 213. REPEAL OF CERTAIN LIMITATIONS ON COMMAND STRUCTURE

The House amendment contained a provision (section 105(b)) that would repeal the prohibition in section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in the Continuing Resolution for fiscal year 1986) against altering the command structure for military forces in Alaska.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 214. TRANSITION

Assignment of Forces to Combatant Commands

The House amendment contained a provision (section 106(b)) that would require the assignment of forces to combatant commands, as provided in section 162 of title 10 (as added by section 101 of the House amendment), to take effect at the end of the 90-day period beginning on the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes.

Waiver of Qualifications for Assignment as Combatant Commander

As part of the action of the conference committee on section 164(a) of title 10 (as added by section 211 of the conference substitute amendment), the conferees agreed to authorize the President to waive the qualifications for assignment as a combatant commander during a transition period before full application of the requirements of section 164(a). Under section 214(b) of the conference substitute amendment, the President would be authorized to waive:

(1) for a 2-year period after enactment, the requirement that a combatant commander have the joint specialty;

(2) for a 4-year period after enactment, the requirement that a combatant commander have served in a joint duty assignment for 3 years if the commander has served in such an assignment for not less than 2 years; and

(3) for a 4-year period after enactment, the requirement that a combatant commander have served in a joint duty assignment as a general or flag officer if the commander served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

Although section 164(a)(2) of title 10 (as added by section 211 of the conference substitute amendment) provides the President with authority to waive the requirements for assignment as a combatant commander, the conferees agreed to provide a specific waiver for a limited transition period so that the exercise of a Presidential waiver, as would be required in the immediate future, would not become standard practice. After the transition period, the conferees expect the President to exercise his permanent waiver authority only in a very limited number of cases and only for officers of exceptional talent who may fail to meet the specified criteria.

Selection and Suspension from Duty of Subordinate Officers

The House amendment contained a provision (section 106(d)) that would require the provisions of section 166 of title 10 (as added by section 101 of the House amendment) relating to the selection and tenure of officers subordinate to a combatant commander to take effect at the end of the 90-day period beginning on the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with amendments to apply this transition provision to subsections (e), (f), and (g) of section 164 of title 10 (as added by section 211 of the conference substitute amendment) and to provide that the Secretary of Defense may prescribe any earlier date.

Budget Proposals

The House amendment contained a provision (section 106(c)) that would require the portion of section 165 of title 10 (as added by section 101 of the House amendment) concerning program and budget proposals for the combatant commands to take effect with respect to proposals for fiscal year 1989.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SEC. 301. ESTABLISHMENT AND MANAGEMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

The Senate amendment contained a provision (section 116) that would:

(1) redesignate sections 191 and 192 of chapter 8 of title 10 as sections 195 and 196;

(2) establish two subchapters in chapter 8; and

(3) add a new section 191 to chapter 8 dealing with Defense Agencies and Department of Defense Field Activities.

The House amendment contained a similar provision that would reorganize chapter 8 of title 10. The House amendment, however, would only apply to Defense Agencies and would not address Department of Defense Field Activities.

The House recedes to including provisions relating to Department of Defense Field Activities as a part of chapter 8 of title 10 and with an amendment to specify the organization of the chapter. The House amendment would:

(1) redesignate section 191 as section 201 and transfer such section to a new subchapter II of chapter 8 of title 10, entitled "Miscellaneous Defense Agency Matters"; and

(2) create a new subchapter I of chapter 8, entitled "Common Supply and Service Activities", with new sections 191 through 194 to accommodate the provisions contained in title III of the conference substitute amendment.

Sec. 191. Secretary of Defense: authority to provide for common performance of supply or service activities

The Senate amendment contained a provision (section 116) that would provide authority for the Secretary of Defense to establish single agencies within the Department of Defense to perform common supply or service activities. The Senate provision would also require the Secretary of Defense to designate any such agency as a Defense Agency or a Department of Defense Field Activity.

The House amendment contained a similar provision (section 201).

The House recedes. Section 191 of title 10 (as added by section 301 of the conference substitute amendment) establishes a statutory framework for the Defense Agencies and Department of Defense Field Activities and governs the establishment of such specialized agencies and activities. Section 191 applies to all such agencies and activities including those in existence on the date of enactment. The conferees agreed that section 191 does not apply to the authority of the Secretary of Defense under section 113(d) of title 10 (as redesignated by section 101(a) of the conference substitute amendment) which permits the Secretary to designate a single Military Department as the executive agent for an activity that is common to more than one Military Department.

Sec. 192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense to assign the overall supervision of each supply or service agency, except for the Defense Intelligence Agency and the National Security Agency, to certain officers within the Office of the Secretary of Defense or to the Chairman of the Joint Chiefs of Staff. The provision would also require an official who was assigned such supervisory responsibility to advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of the agency conform with the material requirements of the Military Departments and the operational requirements of the unified and specified combatant commands.

The House amendment contained no similar provision.

The House recedes.

The conferees intend that the civilian officers within the Office of the Secretary of Defense who could be assigned supervisory responsibility include those officers established by law or established or designated by the Secretary of Defense under section 131 of title 10 (as amended by section 104 of the conference substitute amendment).

By not requiring the assignment of a civilian officer or the JCS Chairman to supervise the Defense Intelligence Agency and the National Security Agency, the conferees do not intend to alter the authority of the Secretary of Defense to take such action himself.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense to establish procedures to ensure the full and effective review of the program recommendations and budget proposals of each supply or service agency.

The House amendment contained no similar provision.

The House recedes.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense periodically to assess the continuing need for each supply or service agency.

The House amendment contained a similar provision (section 201) that would require a review of Defense Agencies at least every other year to ensure that they, rather than the Military Departments, provide a more effective, economical, or efficient manner of providing common supplies and services. The House provision, in addition, would specify the Department of Defense officials whose views should be obtained as part of the review. Finally, the House provision would specify that the review requirement would apply to the National Security Agency only as determined appropriate by the Secretary of Defense.

The Senate recedes with two amendments. The first amendment requires the Secretary of Defense, in determining the extent of the National Security Agency review, to consult with the Director of Central Intelligence.

The second amendment deletes the specification of DoD officials whose views are to be obtained. The conferees agreed that, even though the requirement is not included in the conference substitute amendment, the Secretary of Defense should normally consult with the officials named in the House provision in conducting his review of the Defense Agencies. Those officials are the Directors of the Defense Agencies, the Secretaries of the Military Departments, the JCS Chairman, and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the commanders of the unified and specified combatant commands.

Sec. 193. Combat support agencies: oversight

The Senate amendment contained a provision (section 116) that would make the JCS Chairman responsible for advising the Secretary of Defense on the preparedness of each supply or service agency that has wartime support responsibilities. The Chairman would be required, as a part of his duties, to assess the adequacy of contingency plans, participation in joint exercises, and readiness reporting systems of each supply or service agency.

The House amendment contained a similar provision (section 201) that would require the Chairman to:

(1) submit a report to the Secretary of Defense at least every 2 years on the readiness of combat support agencies (as would be defined by section 201 of the House amendment);

(2) review war-related support plans of combat support agencies in preparing the report to the Secretary of Defense and take action, in accordance with guidance provided by the Secretary of Defense, to revise the plans as needed;

(3) provide for the participation of combat support agencies in joint training exercises and assess their performance; and

(4) develop a uniform readiness reporting system for the combat support agencies in consultation with the agency directors.

The House amendment provision would apply to the National Security Agency only with respect to combat support functions the agency performs for the Department of Defense. The Secretary of Defense, after consultation with the Director of Central Intelligence, would be required to determine the application of the provision to the National Security Agency and report to the Congress any revision of the policies and procedures pertaining to the National Security Agency.

The Senate recedes with an amendment to delete the requirement that the Secretary of Defense report to the Congress on changes in the policies and procedures pertaining to the National Security Agency. The conferees agreed that, in carrying out his responsibilities under subsections (a), (b), and (c) of section 193 of title 10 (as added by section 301 of the conference substitute amendment), the JCS Chairman should:

(1) review the directives and other administrative regulations governing combat support agencies; and

(2) make recommendations to the Secretary of Defense on appropriate revisions to the directives and regulations.

The Senate amendment contained a provision (section 116) that would require the Secretary of Defense, in consultation with the Director of Central Intelligence, to develop policies and programs to correct any deficiencies the JCS Chairman or other Department of Defense officials identified in the wartime support capabilities of the Defense Intelligence Agency and the National Security Agency.

The House amendment contained no similar provision.

The House recedes.

The House amendment contained a provision (section 201) that would define the term "combat support agency".

The Senate amendment contained no similar provision.

The Senate recedes.

The House amendment contained a provision (section 201) that would require the director of a combat support agency to assign a representative of that agency to the headquarters of a combatant command if requested to do so by the commander of a combatant command.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that a request from a combatant commander for assignment to his command of a combat support agency representative should be seriously considered by the director of the agency.

Sec. 194. Limitations on personnel

The Senate amendment contained a provision (section 117(f)) that would prohibit future increases in the number of personnel assigned to Defense Agencies and Department of Defense Field Activities above the number assigned on September 30, 1988. The National Security Agency would be exempt from the requirements of the provision. The Senate amendment also contained a provision that would require reductions in personnel by September 30, 1988. That provision is now contained in title VI of the conference substitute amendment.

The House amendment contained no similar provision.

The House recedes with an amendment to change the effective date for the personnel cap to September 30, 1989.

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

The House amendment contained a provision (section 201(b)) that would define the term "defense agency."

The Senate amendment contained no similar provision.

The Senate recedes with two amendments. The first Senate amendment specifies that the term "Defense Agency" applies to an organizational entity as described in the House provision or to an organizational entity of the Defense Department that is designated by the Secretary of Defense as a "Defense Agency." The second Senate amendment adds the definition of the term "Department of Defense Field Activity."

SEC. 303. REASSESSMENT OF DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

The House amendment contained a provision (section 202) that would require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the Military Departments to conduct separate studies of the functions and organizational structure of the Defense Agencies to determine the most appropriate means within the Department of Defense of providing the supplies and services now provided by the agencies.

The Senate amendment contained no similar provision.

The Senate recedes with three amendments. The first Senate amendment includes Department of Defense Field Activities in the studies. The second Senate amendment deletes a requirement contained in the House amendment that the Secretary consult with certain DoD officials in preparing his study. The conferees agreed that this requirement is not needed; the Secretary will find it necessary to consult with most, if not all, of the named officials in the course of conducting the required study. The third Senate amendment adds a requirement that the study by the Secretary of Defense include plans to achieve reductions of 5, 10, and 15 percent of the total number of personnel employed in the Defense Agencies and Department of Defense Field Activities on September 30, 1988, together with a discussion of the implications of each level of personnel reductions.

The House amendment contained a provision (section 203) that would require a report on the improved application of computer systems to Defense Agency functions and activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to incorporate the computer report requirement into the report on the reassessment of Defense Agencies and Department of Defense Field Activities required by section 303 of the conference substitute amendment.

SEC. 304. TRANSITION

Periodic Review of Defense Agencies

The House amendment contained a provision (section 201(d)) that would require the first periodic review by the Secretary of Defense under section 192 of title 10 (as added by section 201 of the House amendment) to be completed within 3 years after enactment of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes.

Oversight of Combat Support Agencies

The House amendment contained a provision (section 201(d)) that would establish dates for implementation of the requirements imposed on the JCS Chairman and the Secretary of Defense in section

193 of title 10 (as added by section 201 of the House amendment). The provision would require an interim report on implementation by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the requirement for an interim report.

Combat Support Functions of the National Security Agency

The House amendment contained a provision (section 201(d)) that would require the Secretary of Defense to carry out within 120 days the requirements with respect to the National Security Agency contained in subsection (d)(2) of section 193 of title 10 (as added by section 201 of the House amendment).

The Senate amendment contained on similar provision.

The House recedes.

TITLE IV—JOINT OFFICER PERSONNEL POLICY

The conferees determined that title IV of the conference substitute amendment provides the most effective policies for managing joint officers that can be developed with the information currently available to the Congress and the Department of Defense. Unfortunately, the Defense Department has given limited attention to the subject of joint officer management. Thus, only a limited base of information and only a few existing policies were available to guide the work of the conference committee. As a consequence, the conferees expect that unanticipated problems will be identified as the Defense Department implements the provisions of title IV of the conference substitute amendment and that adjustments will be necessary. It is for this reason that the conferees agreed to provide transition periods for use before many provisions become effective. In addition, the conferees expressed a willingness to consider promptly any adjustments to these provisions that the Secretary of Defense may recommend based upon insights that actual implementation may provide. This willingness should not, however, be interpreted as a lessening of the commitment of the Congress to an effective system for preparing and rewarding military officers for joint duty service or as permitting the Department to avoid or delay the required implementation.

SEC. 401. JOINT OFFICER MANAGEMENT

The House amendment contained a provision (section 301) that would add a new chapter 38 to title 10, United States Code, entitled Joint Officer Management.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed that the intent of the new chapter 38, and of the entire title IV of the conference substitute amendment, is to govern organizational relationships among elements of the Department of Defense (including the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, and the combatant commands) with respect to personnel policies related to joint duty assignments. Nothing in this title is intended to confer any rights on individual officers, and allegations of non-compliance with any provisions in this title do not provide a basis for invalidating any personnel action.

Sec. 661. Management policies for joint specialty officers

The House amendment contained a provision (section 301) that would establish an occupational category, referred to in the amendment as the "joint specialty", for officers trained in and oriented toward joint military matters. In addition, the provision would set out various requirements pertaining to the specialty: (1) how the total number of joint specialty officers would be determined and the number and type of joint duty assignments to which they would be assigned; (2) how joint specialty officers would be selected, including the nomination procedure and education and experience requirements; and (3) career guidelines for joint specialty officers.

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that officers are well prepared to assume joint duty positions as a result of previous experience, formal education, and training.

The Senate recedes with an amendment that would change the requirement for the Secretary of Defense to establish "an occupational category" for joint officers to a requirement to establish "policies, procedures, and practices for the effective management of officers . . . trained in, and oriented toward, joint matters. . . ." The conferees noted that the paragraph changed by the Senate amendment was intended to give the Secretary of Defense sufficient latitude in establishing the "joint specialty", including designating it with another term. The conferees believe that the Senate amendment provides the necessary latitude and unambiguously states the intent of the Congress that an effective system for the management of joint specialty officers be established.

Under section 661(c) of title 10 (as added by section 401 of the conference substitute amendment), an officer who is nominated for the joint specialty may not be selected for the specialty until he (1) successfully completes an appropriate program at a joint professional military education school, and (2) after completing such a program, successfully completes a full joint duty assignment. The purpose of this precise sequence is to ensure that qualified officers are assigned to joint duty assignments. The conferees agreed, however, that implementation of these particular requirements may demonstrate the need for flexibility in the sequence in which they must be fulfilled. Therefore, the conferees agreed that the Committees on Armed Services of the Senate and House of Representatives would more closely examine during the next year whether a limited number of officers should be exempted from the required sequence.

The conferees request that the Secretary of Defense consult with the Secretary of Transportation and advise the Congress whether any provision of chapter 38 of title 10, as added by title IV of the conference substitute amendment, should be applied to officers of the Coast Guard.

The second Senate amendment would transfer to section 402 of the conference substitute amendment the requirement that career guidelines for joint specialty officers established by the Secretary of

Defense include guidelines to be furnished to officer selection boards, would elaborate the requirement in more detail, and would add appropriate instructions for selection boards to section 615 of title 10, United States Code. This amendment is considered in the discussion of section 402 below.

Sec. 662. Promotion policy objectives for joint officers

The House amendment contained a provision (section 302) that would require the Secretary of Defense to establish policies to ensure that Joint Staff officers, as a group, are promoted at a rate not less than the rate of officers assigned to Service headquarters staffs. The provision contained the same promotion rate requirement for joint specialty officers. A third requirement would specify promotion rate policies for officers serving in other joint duty assignments.

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the promotion, retention, and assignment policies of the Services provide sufficient incentives for officers to seek joint duty assignments.

The Senate recedes with two amendments. The first Senate amendment would eliminate the mandatory promotion rates and, instead, require the Secretary of Defense to ensure that the qualifications of officers assigned to joint duty assignments are such that the promotion rates specified in the House amendment will be achieved. The conferees agreed that the underlying objective of the provision concerning promotion rates is to ensure that highly capable officers are selected for joint duty assignments—in the case of the Joint Staff or joint specialty, outstanding officers who are, or will be, qualified as a group to be promoted at the same hiqh rates as officers assigned to Service headquarters staffs. The Senate amendment, in focusing on the qualifications of officers selected for joint duty assignments, more accurately expresses congressional intent with respect to this provision.

The second Senate amendment would require the Secretary of Defense to report to the Congress no less often than every 6 months on the promotion rates of joint duty officers. In addition, if the promotion rates should fail to meet the established objectives, the Secretary of Defense would be required to notify the Congress immediately and explain what actions are being taken to prevent further failures. The conferees discourage any interpretation that the first Senate amendment suggests that the Congress is less committed to the objective of manning joint duty assignments with outstanding officers than the House amendment indicates. The second Senate amendment is intended to require notice whenever the Department of Defense fails to achieve the objectives originally established by the House amendment.

Sec. 663. Education

Capstone Course for New General and Flag Officers

The House amendment contained a provision (section 301) that would require, subject to a case-by-case waiver, that officers selected for promotion to brigadier general or rear admiral (lower half) attend a Capstone course to prepare them to work with the other armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Professional Military Education Schools

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the curricula of joint military colleges and schools are oriented to preparing officers for joint duty assignments and that the curricula of the military colleges and schools of the Army, Navy, Air Force, and Marine Corps give appropriate emphasis to instruction in joint military matters.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to review and revise the curricula of schools of the National Defense University and of other professional military education schools to strengthen the education of officers in joint matters.

The Senate recedes.

Duty Assignments After Attending Military Education Schools

The Senate amendment contained a provision (section 115) that would require that a substantial percentage of graduates of joint schools receive joint duty assignments.

The House amendment contained a provision (section 301) that would impose requirements for the subsequent assignment of officers who attend joint professional military education schools to joint duty assignments, including a requirement that a proportion significantly greater than 50 percent of non-joint specialty officers graduating from a joint professional military education school receive joint duty assignments.

The Senate recedes with an amendment to delete the word "significantly" in the House amendment.

Other Education Requirements

The House amendment contained a provision (section 301) that would require the Secretary of Defense to take all other practicable measures to improve the training and experience of officers serving in senior joint duty assignments.

The Senate amendment contained no similar provision.

The House recedes.

Sec. 664. Length of joint duty assignments

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure continuity in joint organizations through appropriate joint tour lengths.

The House amendment contained a provision (section 301) that would establish 3 years as the length of a joint duty assignment for general and flag officers and 3½ years for all other officers. The tour length could be waived by the Secretary of Defense subject to certain limitations; also, the Secretary could establish shorter tour lengths for officers with critical combat operational skills, provided that their joint duty assignment was not less than two years.

The Senate recedes with an amendment to specify that the tour length requirements do not apply to officers who fail to complete a joint duty assignment as a result of retirement, separation from active duty, or suspension.

The conferees agreed that this provision is not intended to grant any individual tenure with respect to any assignment.

Sec. 665. Procedures for monitoring the careers of joint officers

The Senate amendment contained a provision (section 115) that would require the Secretary of Defense to ensure that the personnel practices, policies, and procedures of the military Services enhance the abilities of joint duty officers.

The House amendment contained a provision (section 301) that would require the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff (JCS), to establish procedures for overseeing the careers of officers with the joint specialty and other officers who serve in joint duty assignments.

The Senate recedes.

The House amendment contained a provision (section 301) that would make the Chairman of the Joint Chiefs of Staff responsible for advising the Secretaries of the Military Departments with respect to the duty assignments of joint specialty officers and other officers serving in joint duty assignments.

The Senate amendment contained no similar provision.

The House recedes. The conferees agreed that the JCS Chairman should, on his own initiative, assume the responsibility contained in the House amendment, but that there is no reason to specify this responsibility as a matter of law.

The House amendment contained a provision (section 301) that would require enhancement of Joint Staff capabilities to monitor the promotions and assignments of joint specialty officers and other joint duty officers and to advise the JCS Chairman on joint personnel matters.

The Senate amendment contained no similar provision.

The Senate recedes.

Sec. 666. Reserve officers not on the active duty list

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish personnel policies emphasizing training and experience in joint matters for reserve officers.

The Senate amendment contained no similar provision.

The Senate recedes.

Sec. 667. Annual report to Congress

The House amendment contained a provision (section 301) that would require the Secretary of Defense to submit, as a part of his annual report to Congress, a report on Joint Staff, joint specialty, and other officers who are serving, or have served, in joint duty assignments. The report would require information on:

(1) the officers chosen for the joint specialty, including their education and experience;

(2) the promotion rates for joint specialty officers and other officers serving in joint duty assignments compared with the promotion rates of officers in the Services;

(3) assignments of joint specialty officers;

(4) the average length of tours of duty in joint duty assignments; and

(5) other matters.

The Senate amendment contained no similar provision.

The Senate recedes with three amendments. The first Senate amendment requires that the information in the report be shown separately for each Service as well as for the Department of Defense as a whole. The second Senate amendment requires the promotion rates to be shown for Joint Staff officers as well as joint specialty officers and other officers serving in joint duty assignments. The third Senate amendment requires an analysis of the extent to which each Military Department is providing its share of officers to fill joint duty assignments. (The House amendment contained a similar requirement in section 102.)

The conferees request that the information required by this provision be included in a portion of the annual report of the Secretary of Defense to Congress relating to management of the Department of Defense.

Sec. 668. Definitions

The House amendment contained a provision (section 301) that would define the term "joint matters" and would require the Secretary of Defense, subject to criteria set out in the provision, to define the term "joint duty assignment" and to publish a list of joint duty assignment positions.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 402. PROMOTION PROCEDURES FOR JOINT OFFICERS

Composition of Selection Boards

The House amendment contained a provision (section 302) that would require that each selection (promotion) board that will consider officers who have served in joint duty assignments include at least one joint duty officer designated by the JCS Chairman. The House provision specified, however, that the Secretary of Defense could waive the requirement in the case of Marine Corps selection boards.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees agreed that the only reason for the waiver provision for the Marine Corps is to give the Secretary of Defense needed flexibility when there are insufficient numbers of Marine Corps officers of the requisite grade assigned to joint duty assignments to carry out crucial joint duty responsibilities and to meet this selection board membership requirement. The conferees expect the Secretary of Defense to exercise this waiver rarely, if at all.

Guidance to Selection Boards

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish career guidelines for officers with the joint specialty, including information and guidelines to be furnished to officer selection boards.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that transfers the requirement for promotion guidelines to this section of the conference substitute amendment, further elaborates the requirement, and adds appropriate instructions for selection boards to section 615 of title 10. With respect to the guidelines to be established by the Secretary of Defense, the Senate amendment requires that the Secretary be assisted by the JCS Chairman and that the guidelines be furnished to the Secretaries of the Military Departments. The amendment specifies that their purpose is to ensure that each selection board gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments. With respect to guidelines to selection boards, the Senate amendment requires that they be based on the guidelines received by the Secretary of a Military Department from the Secretary of Defense.

Review of Promotion Lists by the JCS Chairman

The House amendment contained a provision (section 302) that would amend section 618 of title 10 to modify the procedures for the review and transmittal of the report of an officer selection board. The House amendment would:

(1) require the JCS Chairman to review the report, in accordance with guidelines prescribed by the Secretary of Defense, after the Secretary of the Military Department concerned has reviewed the report;

(2) authorize the JCS Chairman to recommend officers for promotion who were considered by the board and who had served, or were serving, in joint duty assignments;

(3) authorize the Secretary of the Military Department concerned, if he disagreed with the recommendations of the Chairman, to return the report to the promotion board for further proceedings, convene a special promotion board, or take other appropriate action; and

(4) require remaining disagreements between the Secretary of the Military Department and the Chairman, after the Secretary took such action as he considered necessary in response to the Chairman's submission, to be decided by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with four amendments. The first Senate amendment specifies that the JCS Chairman shall review the report of a selection board for the purpose of determining whether the board acted consistent with the guidelines established by the Secretary of Defense and otherwise gave appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in joint duty assignments.

The second Senate amendment replaces the authority for the Chairman to recommend officers for promotion with a requirement that the Chairman, after reviewing the report of a selection board, return it with his determinations and comments to the Secretary of the Military Department concerned. The conferees recognize that the House amendment would have breached a long standing practice, with roots in law and tradition, that promotions are based on the action of impartial boards of officers rather than the judgment of any one individual. The conferees agree, however, that the Senate amendment is not intended to circumscribe the content (including the specificity) or presentation of the "deliberations and comments" prepared by the Chairman for the Secretary of the Military Department and, with respect to the fourth amendment described below, for the Secretary of Defense.

The third Senate amendment specifies actions that may be taken by the Secretary of the Military Department concerned if the Chairman determines that a board acted contrary to the guidelines of the Secretary of Defense or otherwise failed to give appropriate consideration to the performance of joint duty officers. The actions specified are the same as those contained in the House amendment for a Secretary of the Military Department to take in case the Chairman recommended officers for promotion, except that a Secretary is also authorized to convene a new selection board (as opposed to reconvening the original board).

The fourth Senate amendment modifies the remainder of the procedures contained in the House amendment to make them consistent with the first three amendments. It requires that remaining disagreements between the Chairman and the Secretary of a Military Department be referred to the Secretary of Defense with comments from both parties and that the Secretary of Defense take appropriate action.

SEC. 403. CONSIDERATION OF JOINT DUTY IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS AND ADVICE ON QUALIFICATIONS

The Senate amendment contained a provision (section 114) that would amend section 601 of title 10 to add a requirement that the JCS Chairman submit his evaluation of the joint service of officers recommended to the President for initial appointment to the grade of lieutenant general or vice admiral, or to the grade of general or admiral. The provision would further require that the Secretary of Defense submit the Chairman's evaluation to the President at the same time the recommendation for the appointment was submitted to the President.

The House amendment contained a similar provision.

The House recedes.

The Senate amendment contained a provision (section 114) that would require the Secretary of Defense, each time a vacancy occurs in a military office or position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral, to inform the President of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that office or position.

The House amendment contained no similar provision.

The House recedes with an amendment to apply the Senate requirement to offices for which the required grade is specified in law.

SEC. 404. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER GRADE

The House amendment contained a provision (section 303) that would require, subject to a case-by-case waiver by the Secretary of Defense, that an officer may not be promoted to brigadier general or rear admiral (lower half) unless he has served in a joint duty assignment.

The Senate amendment contained no similar provision.

The Senate recedes.

SEC. 405. ANNUAL REPORT ON IMPLEMENTATION

The House amendment contained a provision (section 304) that would require the Secretary of Defense to include in his annual report to the Congress a report on the implementation of the joint personnel policy title of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees request that the information required by this provision be included in a portion of the annual report of the Secretary to the Congress relating to management of the Department of Defense.

SEC. 406. TRANSITION

Joint Duty Assignments

The House amendment contained a provision (section 305) that would require the Secretary of Defense to ensure that about one-half of the joint duty assignments in grades above captain or Navy lieutenant are always filled by officers who have (or have been nominated for) the joint specialty as rapidly as possible and not later than 2 years after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint Specialty

The House amendment contained a provision (section 305) that would provide special rules for the Secretary of Defense to apply in making the initial selection of officers for the joint specialty during a 2-year transition period.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that modifies the procedures for the initial selection of joint specialty officers in several ways.

The amendment deletes the requirement that the Secretary of Defense make the initial selection of officers from among officers in such grades as the Secretary determines. The conferees agreed that the conference substitute amendment makes this requirement unnecessary. The Senate amendment eliminates the distinction between general and flag officers and all other officers in the "special rules" for initial selections in the House amendment. The conferees agree that the revised transition provisions make this distinction unnecessary. The Senate amendment further specifies how the specific provisions of title IV of the conference substitute amendment may be waived during the initial transition period. Finally, the amendment modifies the waiver procedure for the initial selection of joint specialty officers to require that the waiver authority may be delegated only to the Deputy Secretary of Defense, may be applied only on a case-by-case basis, and shall be exercised in a manner that ensures that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

Career Guidelines

The House amendment contained a provision (section 305) that would require the establishment of career guidelines, procedures for monitoring the careers of joint duty officers, and reserve officer personnel policies not later than 6 months after the date of enactment. The provision would also require the enhancement of the Joint Staff's capability to monitor joint personnel matters not later than 6 months after the date of enactment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to extend the period of time for the establishment of these policies and capabilities to 8 months.

Education

The House amendment contained a provision (section 305) that would specify the transition periods for the requirements for the Capstone course and the review of the professional military education schools. The provision would require that the revised curricula at these schools take effect with respect to courses beginning after August 1987.

The Senate amendment contained no similar provision. The Senate recedes with two amendments. First, the revised curricula is to take effect with respect to courses beginning after July 1987. Second, the requirements for post-education duty assignments are to take effect with respect to classes graduating from joint professional military education schools after January 1987.

Length of Joint Duty Assignments

As part of the action of the conference committee on section 664 of title 10 (as added by section 401 of the conference substitute amendment), the conferees agreed to apply the new requirements for the length of joint duty assignments to officers assigned to such positions after the end of the 90-day period beginning on the date of enactment. Moreover, the conferees intend that the Secretary of Defense, in computing the average required by section 664, consider only joint duty assignments to which the section applies.

Promotion Policy

The House amendment contained a provision (section 305) that would specify the transition periods for changes to the composition and review process of selection boards considering joint duty officers. The provision would also specify the transition period for implementation of the mandatory promotion rates provided in section 302 of the House amendment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to delete the transition period for implementation of the mandatory promotion rates. This transition period is rendered unnecessary by a Senate amendment to section 302 of the House amendment.

Annual Report on Joint Duty Officers

As part of the action of the conference committee on section 667 of title 10 (as added by section 401 of the conference substitute amendment), the conferees agreed that the first annual report submitted by the Secretary of Defense after the date of enactment shall contain as much of the information required by section 667 as is available to the Secretary at the time of the preparation of the report.

TITLE V—MILITARY DEPARTMENTS

SEC. 501. THE ARMY SECRETARIAT; SEC. 511. THE NAVY SECRETARIAT; AND SEC. 521. THE AIR FORCE SECRETARIAT

Administrative Assistant

The Senate amendment contained a provision (section 201(a)(2)) that would delete the statutory requirement, as provided in existing section 3016 of title 10, for an Administrative Assistant in the Department of the Army.

The House amendment contained a provision (section 401 (b)(7)) that would prohibit the abolishment of the position of Administrative Assistant in the Department of the Army and that would authorize the Departments of the Navy and Air Force to have a similar position.

The Senate recedes.

Composition of the Department of the Navy

The Senate amendment contained a provision (section 304) that would establish a new chapter 518 of title 10 (Composition of the Department of the Navy) and would reenact in such chapter the third and fourth sentences of existing section 5011 and all of existing sections 5012 and 5013 of title 10.

The House amendment contained a provision (section 101(c)) that would:

(1) amend section 5012 of title 10 to delete the portion specifying that the Navy "is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping"; and

(2) provide a free-standing provision of law that would clarify the authority of the President and the Secretary of Defense to assign missions, roles, and functions to the Military Departments, unified and specified combatant commands, and other elements of the Department of Defense.

The House recedes to the establishment of a new chapter 507 (Composition of the Department of the Navy) of title 10, the transfer of existing sections 5012 and 5013 to such chapter, and the addition of a new section 5061 on the composition of the Department of the Navy. The Senate recedes to section 101(c) of the House amendment with an amendment to delete the free-standing provision. The conferees agreed that the amendment to the responsibilities of the Navy, as provided by section 101(c) of the House amendment, does not affect the authority of the President or the Secretary of Defense to assign responsibilities to the Navy.

Seal for the Department of the Navy

The Senate amendment contained a provision (section 301) that would require the Secretary of the Navy to have a seal for the Department of the Navy, the President to approve the design of the seal, and judicial notice to be taken of the seal.

The House amendment contained no similar provision.

The House recedes.

Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would require the Secretary of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate.

The House amendment contained no similar provisions.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would prohibit a person being appointed Secretary of a Military Department within 5 years after his relief from active duty as a commissioned officer of a regular component of an Armed Force.

The House amendment contained no similar provisions.

The House recedes with an amendment to increase the required period of separation from active duty to 10 years. The conferees determined that the key civilian control role of the Secretary of a Military Department requires a longer period of separation from active duty than would be provided by the provisions of the Senate amendment. The requirement for the Secretary of a Military Department, as provided by the conference substitute amendment, would be the same as is now required for the Secretary of Defense, Deputy Secretary of Defense, and Under Secretary of Defense for Policy.

The Senate amendment contained provisions (sections 201, 301, and 401) that would provide that the performance of duties by the Secretary of a Military Department is subject to the authority, direction, and control of the Secretary of Defense and to the provisions of chapter 6 of title 10 (as added by section 112 of the Senate amendment) related to the combatant commands.

The House amendment contained no similar provisions.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify that the Secretary of a Military Department is responsible for and has the authority necessary to conduct all affairs of his Department, including 12 specified functions.

The House amendment contained no similar provisions.

The House recedes with an amendment to clarify that the specified function of "administering" includes the morale and welfare of personnel. The conferees determined that the functions of supplying, servicing, and maintaining, in combination, include the major elements of what is referred to as "logistics."

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify seven responsibilities of the Secretary of a Military Department to the Secretary of Defense.

The House amendment contained a provision (section 404) that would specify two responsibilities for the Secretary of a Military Department. One of these responsibilities is identical to one specified by the Senate amendment. The other responsibility would require the Secretary of a Military Department to ensure the operational readiness of forces under his jurisdiction.

The House recedes.

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify other powers and duties of the Secretary of a Military Department.

The House amendment contained no similar provisions.

The House recedes.

Offices of the Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) establish in law the Office of the Secretary of each Military Department;

(2) specify the function and composition of each Office;

(3) require the Secretary of each Military Department to ensure that his Office is not duplicating specific functions that he has assigned to the military headquarters staff or staffs of his Department; and

(4) require a 15-percent reduction by September 30, 1988 in the number of personnel assigned to each Office, use the number of personnel assigned to each Office on September 30, 1985 as the baseline for each reduction, and set this reduced personnel level as a permanent ceiling after such date.

The Senate amendment also contained provisions (sections 202, 302, 303, and 402) that would:

(1) require a 15-percent reduction by September 30, 1988 in the total number of personnel assigned to each of the Army Staff, the Office of the Chief of Naval Operations, the Headquarters, Marine Corps, and the Air Staff; use the number of personnel assigned to each staff on September 30, 1985 as the baseline for each reduction; and set this reduced personnel level as a permanent ceiling for each staff after such date; and

(2) limit the number of officers that may be assigned after September 30, 1988 as follows:

(A) the Office of the Secretary of the Army and the Army Staff—1,825 officers;

(B) the Office of the Chief of Naval Operations—1,300 officers;

(C) the Headquarters, Marine Corps—325 officers; and

(D) the Office of the Secretary of the Air Force and the Air Staff—1,575 officers.

The House amendment contained a provision (section 401) that would:

(1) require the Secretary of Defense to reorganize the executive part of each Military Department in accordance with policies specified in section 401 of the House amendment;

(2) require a single integrated staff for the executive part of each Military Department;

(3) prohibit the organization of officers as a separate component within the single integrated staff (other than the personal staff of a Service Chief of Staff);

(4) require that the functional assignments of the assistant secretaries of the Military Departments be as uniform as possible across the Military Departments;

(5) specify that civilian political appointees shall not be placed in positions subordinate to military officers;

(6) direct that the size of the Military Department staffs be substantially reduced and that functions be shifted to appropriate joint staffs or to subordinate commands of the Military Departments;

(7) prohibit the abolishment or consolidation of functions relating to the reserve components with other elements of the staff (other than the consolidation of existing military staff and civilian staff functions relating to the reserve components);

(8) prohibit any future administrative reorganization of the Military Departments that are inconsistent with items (1) through (7); and

(9) specify that the authority of the Service Chief of Staff to exercise supervisory control over members of the Armed Forces under his jurisdiction, especially with respect to personnel matters, remains unchanged.

The House amendment also contained a provision (section 402) that would:

(1) specify the composition of the single integrated staff of each Military Department;

(2) provide that each Secretary of a Military Department and each Service Chief of Staff may have a personal staff of not more than 30 persons (not counting the Administrative Assistant and his staff);

(3) reduce the total number of personnel assigned to the single integrated staff in each Military Department by 15 percent from the combined number previously assigned to the Office of the Secretary of a Military Department and military headquarters staff or staffs; and

(4) require the Secretary of Defense to ensure that the personnel reduction required by item (3) results in a reduction in the number of persons assigned to duty in the Washington, D.C. area.

The House amendment also contained a provision (section 403) that would:

(1) require the Secretary of Defense to shift to the Joint Staff the operation and planning responsibilities in each Military Department that are duplicated by the Joint Staff; and

(2) require the Secretary of Defense and the Secretaries of the Military Departments to provide that functions that may be performed by subordinate commands outside the Washington, D.C. area are reassigned to those commands.

The House amendment also contained a provision (section 405) that would:

(1) require the implementation by September 30, 1987 of the integration of the top headquarters staffs of each Military Department and related personnel reductions;

(2) require the Secretary of Defense to submit a report on such implementation to Congress 30 days after implementation; and

(3) require such report to include a draft of legislation to make conforming changes to title 10 and other appropriate provisions of law.

The House amendment also contained a provision (section 406) that would define the term "Service Chief."

The House recedes with amendments to:

(1) require that each Office of the Secretary of a Military Department have sole responsibility for the following functions:

(A) acquisition;
(B) auditing;
(C) comptroller (including financial management);
(D) information management;
(E) inspector general;
(F) legislative affairs; and
(G) public affairs.

(2) require each Secretary of a Military Department to establish or designate a single office or other entity within his Office to conduct each function specified in item (1);

(3) provide that no office or other entity within the military headquarters staff or staffs may be established or designated to conduct any of the functions specified in item (1);

(4) require each Secretary of a Military Department to prescribe the relationship of each office or other entity established or designated under item (2) to the Chief of Staff and to the military headquarters staff or staffs;

(5) require each Secretary of a Military Department to ensure that each office or other entity established or designated under item (2) provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities;

(6) specify that the vesting in each Office of the Secretary of a Military Department of the responsibility for the conduct of a function specified in item (1) does not preclude other elements of the executive part of the Military Department (including the military headquarters staff or staffs) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of a Military Department;

(7) require that each Office of the Secretary of a Military Department have sole responsibility for the function of research and development, except that the Secretary may assign to the military headquarters staff or staffs those aspects of the function of research and development that relate to military requirements and test and evaluation;

(8) require each Secretary of a Military Department to establish a single office within his Office to conduct the function of research and development and to specify the relationship of such office to the Service Chief of Staff;

(9) require implementation of items (1) through (8) not later than 180 days after the date of enactment of the conference substitute amendment;

(10) require a report to the Congress from each Secretary of a Military Department on the implementation of items (1) through (8) not later than 210 days after the date of enactment of the conference substitute amendment;

(11) require each Secretary of a Military Department to ensure that his Office and the military headquarters staff or staffs of his Military Department do not duplicate specific functions for which he has assigned responsibility to the other;

(12) require a 15-percent reduction by September 30, 1988 in the combined number of personnel assigned to the Office of the Secretary of a Military Department and the military headquarters staff or staffs in each Military Department, use the number of personnel assigned to the Office and staff or staffs in each Military Department on September 30, 1986 (instead of 1985) as the baseline for each reduction, and set the reduced level as a permanent ceiling;

(13) limit the number of officers that may be assigned after September 30, 1988 as follows:

(A) the Office of the Secretary of the Army and the Army Staff—1,865 officers;

(B) the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps—1,720 officers; and

(C) the Office of the Secretary of the Air Force and the Air Staff—1,585 officers.

(14) require a 15-percent reduction by September 30, 1988 in the combined number of general and flag officers assigned to the Office of the Secretary of a Military Department and the military headquarters staff or staffs in each Military Department, use the number of general and flag officers assigned on the date of enactment as the baseline for each reduction, and set the reduced level as a permanent ceiling;

(15) establish in law the position of the General Counsel of each Military Department; and

(16) amend subsections (c) and (d) of existing section 3031 of title 10 to delete the authority for, and limitations on, the Army General Staff.

In designating functions for which each Office of the Secretary of a Military Department should have sole responsibility, the conferees selected functions that are either civilian in nature or key to effective civilian control. Although such offices would exist solely in the Secretariats of each Military Department, the conferees intend that such offices would provide necessary support to all organizations of the executive part of the Military Department concerned. In particular, the conferees fully expect that the Chief of Staff will have full access to these offices and that they will be completely responsive to his

> needs for support and assistance. Several of these functions are already consolidated in the Office of the Secretary of a Military Department. Under current practice, a deputy or another senior official in each office works closely with the Chief of Staff to ensure that his needs are met. The conferees expect that this practice will continue in existing consolidated offices and may be used in newly consolidated offices.
>
> The conferees intend that the function of comptroller, for which each Office of the Secretary of a Military Department would have sole responsibility, need not include the functions of requirements and programs.
>
> Sections 3014(c)(2), 5014(c)(2), and 8014(c)(2) of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) provide that no office within the military headquarters staff or staffs may be established or designated to conduct any of the seven functions for which the Office of the Secretary of the Military Department is assigned sole responsibility. The conferees selected the language "no office" with care. The intent of the conferees is that no office within the military headquarters staff may be established, designated, or dedicated to performing any of these functions on a permanent basis. However, officers, officials, or members of the Armed Forces assigned to a military headquarters staff may provide advice or assistance to the Chief of Staff or otherwise participate in a function under the direction of the office assigned responsibility for that function in the Office of the Secretary of a Military Department.

In agreeing that no office shall be "established or designated" within the military headquarters staff to conduct functions which are the sole responsibility of the Office of the Secretary of a Military Department, the conferees intend "designated" to mean a formal designation of an existing office as responsible for such a function. The conferees do not intend that the mere direction to an office to provide advice or assistance or otherwise temporarily participate in a function is a designation within the meaning of this provision.

The conferees recognize that the consolidation of functions within the Office of each Secretary of a Military Department will pose unique problems for the Department of the Navy because of the existence of two separate Armed Forces within that Department—the Navy and the Marine Corps. The conferees want it clearly understood that nothing in the legislation is intended to impair the ability of the Commandant of the Marine Corps to carry out his responsibilities to the Secretary of the Navy to organize, train, and equip Fleet Marine Forces of combined arms, together with supporting air components, for service with the fleet, or any other of his responsibilities under section 5203 of title 10 (as added by section 513 of the conference substitute amendment).

With regard to the seven functions for which the Office of the Secretary of the Navy is to have sole responsibility, the conferees recognize that certain aspects of those functions are unique to the interests of the Marine Corps. The conferees intend that the performance of these functions should fully recognize, as the Commandant considers to be appropriate, the particular interests of the

Marine Corps and should fully enable the Commandant to represent those interests in the same manner as the other Chiefs of Staff are able to represent the particular interests of their Armed Force.

In this regard, the conferees appreciate that particular care must be taken by the Secretary of the Navy to ensure that the Marine Corps, which has fewer personnel to devote to staff duty than the Navy, receives evenhanded treatment in organizing, manning, establishing work priorities, and otherwise structuring and operating the consolidated offices. The conferees determined that consolidated offices should include appropriate numbers of Marine generals and other Marine officers to ensure that the interests of the Marine Corps will be represented and that the Commandant will receive appropriate support from these offices.

The conferees also intend that the Headquarters, Marine Corps, shall have an appropriate share of the total number of general officers, other members of the Armed Forces, and civilian employees of the Department of the Navy authorized in section 5014(f) of title 10 (as added by section 511 of the conference substitute amendment) for the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

With respect to the actions of the conference committee concerning the function of research and development, the conferees intend that each Office of the Secretary of a Military Department should have an augmented role in the research and development activities of the Military Department concerned. In particular, the conferees agreed that there is a need for more effective policy and resource oversight by each Office in the initial phases of research and development programs.

The conferees determined that consolidation of the function of acquisition in each Office of the Secretary of a Military Department was consistent with the recommendations of the President's Blue Ribbon Commission on Defense Management.

The conferees agreed that each Service should have a separate military headquarters staff within the executive part of its Military Department. This staff should continue to conduct the functions for which effective representation of the military point of view is invaluable to the work of the Military Department. Key among these functions are:

(1) manpower and personnel;
(2) logistics;
(3) installations;
(4) operations and plans;
(5) requirements and programs;
(6) intelligence; and
(7) command, control, and communications.

The conferees agreed that the continued existence of separate military headquarters staffs will ensure that defense decisionmaking is assisted by independent and well-developed military perspectives.

Although the conferees determined that the Office of the Secretary and the military headquarters staff or staffs of each Military Department should remain separately organized, the conferees remain concerned about the unnecessary duplication of effort between these Offices and staffs. Sections 3014(e), 5014(e), and 8014(e) of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) would require each Secretary of a Military Department to eliminate such duplication. The conferees expect the Secretaries of the Military Departments to take this responsibility seriously. The 15-percent reductions in the total number of personnel assigned to the top management headquarters are designed, in part, to force a comprehensive management review of such duplication and the formulation of effective solutions.

The conferees also remain concerned about two other problems:

(1) the significant number of personnel assigned to duty in the Washington, D.C. area; and

(2) duplication by the military headquarters staffs of each Military Department of operations and plans functions that are performed by the Joint Staff.

In implementing subsections (c), (d), (e), and (f) of sections 3014, 5014, and 8014 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment), the Secretaries of the Military Departments shall take appropriate action to solve these problems. In the implementation reports that would be required by section 532(b) of the conference substitute amendment, the conferees agreed to direct each Secretary of a Military Department to inform the Congress on:

(1) the number of personnel positions that have been transferred to duty positions outside the Washington, D.C. area;

(2) the functions that have been reassigned to subordinate commands and organizations outside the Washington, D.C. area;

(3) the aspects of the functions of operations and plans that are required to be performed by the military headquarters staff or staffs of the Military Department;

(4) the aspects of the functions of operations and plans that were previously performed by the military headquarters staff or staffs of the Military Department that duplicated aspects of the functions performed by the Joint Staff and that will no longer be performed by the military headquarters staff or staffs of the Military Department; and

(5) the number of personnel positions that have been eliminated in the military headquarters staff or staffs in the Military Department as a result of the determinations in item (4).

The conferees agreed to delete the authority for, and limitations on, the Army General Staff because the Army no longer uses this staff designation. Thus, statutory specification of the Army General Staff is no longer needed.

Under Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) require the Under Secretary of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate; and

(2) specify that the Under Secretary of a Military Department shall perform such duties and exercise such powers as the Secretary of the Military Department may prescribe.

The House amendment contained no similar provisions.

The House recedes.

Assistant Secretaries of the Army, Navy, and Air Force

The Senate amendment contained provisions (sections 201, 301, and 401) that would:

(1) require the Assistant Secretaries of a Military Department to be appointed from civilian life by the President, by and with the advice and consent of the Senate;

(2) authorize five Assistant Secretaries for the Army, four Assistant Secretaries for the Navy, and three Assistant Secretaries for the Air Force;

(3) specify that the Assistant Secretaries of a Military Department shall perform such duties and exercise such powers as the Secretary of the Military Department may prescribe;

(4) require each Military Department to have an Assistant Secretary for Manpower and Reserve Affairs; and

(5) require the Army to have an Assistant Secretary for Civil Works.

The House amendment contained a provision (section 402(b)) that would:

(1) specify seven areas of responsibility to be assigned to the Assistant Secretaries of each Military Department;

(2) specify that the civil works function is to be assigned to an Assistant Secretary of the Army; and

(3) authorize five Assistant Secretaries for the Army, four Assistant Secretaries for the Navy, and four Assistant Secretaries for the Air Force.

The House recedes.

Successors to Duties of Secretary of a Military Department

The Senate amendment contained provisions (sections 201, 301, and 401) that would specify the successors to the duties of the Secretary of a Military Department if he dies, resigns, is removed from office, is absent, or is disabled.

The House amendment contained no similar provisions.

The House recedes.

General Counsels

As part of the conference agreement on provisions relating to each Office of the Secretary of a Military Department, the conferees agreed to establish in law the position of General Counsel in each Military Department. Sections 3019, 5019, and 8019 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) would:

(1) establish the position of General Counsel in each Military Department;

(2) require each General Counsel of a Military Department to be appointed from civilian life by the President; and

(3) specify that the General Counsel of a Military Department shall perform such functions as the Secretary of the Military Department may prescribe.

The action of the conference committee merely recognizes in law a position that already exists in each Military Department and eliminates confusion caused by the absence of statutory specification.

Inspector Generals

The Senate amendment contained provisions that would:

(1) assign the Inspector Generals of the Army, Navy, and Air Force to the Office of the Secretary of their Military Department; and

(2) establish in law the position of Inspector General of the Air Force and specify his assignment and duties.

The House amendment contained no similar provisions.

The House recedes with an amendment to require the Inspector Generals of the Army, Navy, and Air Force to cooperate fully with the Inspector General of the Department of Defense in the performance of any of his duties or responsibilities under the Inspector General Act of 1978.

Army Reserve Forces Policy Committee and the Air Reserve Forces Policy Committee

The Senate amendment contained provisions (sections 201 and 401) that would amend sections 3021 and 8021 (as redesignated, respectively, by sections 501 and 521 of the conference substitute amendment) to assign responsibility to the Army Reserve Forces Policy Committee and the Air Reserve Forces Policy Committee for review and comment on policies for mobilization preparedness.

The House amendment contained no similar provisions.

The House recedes.

Repeal of Chapters

The Senate amendment contained a provision (section 301(c)(3)) that would repeal chapter 505 (Secretary, Under Secretary, and Assistant Secretaries of the Navy) and chapter 507 (Office of the Comptroller of the Navy) of title 10.

The House amendment contained no similar provision.

The House recedes.

SEC. 502. THE ARMY STAFF; SEC. 512. OFFICE OF THE CHIEF OF NAVAL OPERATIONS; SEC. 513. HEADQUARTERS, MARINE CORPS; AND SEC. 522. THE AIR STAFF

Top Military Headquarters Staffs of the Army, Navy, Marine Corps, and Air Force

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would establish in law the top military headquarters staff of each Armed Force and specify its function and composition. These provisions would also specify that each such staff, except as otherwise prescribed by law, shall be organized, and its members shall perform such duties and have such titles, as the Secretary of the Military Department may prescribe.

The House amendment contained no similar provisions.

The House recedes.

General Duties

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the general duties of the top military headquarters staff of each Armed Force.

The House bill contained no similar provisions.

The House recedes with amendments to:

(1) make performance of the first of these general duties subject to subsections (c) and (d) of sections 3014, 5014, and 8014 of title 10 (as added, respectively, by sections 501, 511, and 521 of the conference substitute amendment); and

(2) clarify the authority of these staffs to coordinate the action of organizations of their Armed Force.

Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the appointment, term of office, and powers and duties of the Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps, and Chief of Staff of the Air Force.

The House amendment contained no similar provisions.

The House recedes with amendments to:

(1) ensure that keeping the Secretary of a Military Department informed on advice rendered by a JCS member, under section 151 of title 10 (as added by section 201 of the conference substitute amendment), on matters affecting his Department does not lessen the independence of the Chief of Staff in performing his JCS duties;

(2) make the requirement of keeping the Secretary of a Military Department fully informed of significant military operations subject to the authority, direction, and control of the Secretary of Defense; and

(3) specify that the obligation of the Chief of Staff to keep the Secretary of a Military Department informed on significant military operations is with respect to matters affecting the responsibilities of the Secretary.

Retirement of the Chief of Naval Operations and the Commandant of the Marine Corps

The Senate amendment contained provisions (sections 302 and 303) that would reenact the provisions of title 10 (sections 5083 and 5201(c)) related to the retirement of the Chief of Naval Operations and the Commandant of the Marine Corps that existed at the time the Senate amendment passed the Senate.

The House amendment contained no similar provisions.

The Senate recedes. Section 104 of the Military Retirement Reform Act of 1986 (Public Law 99-348) repealed the last sentence of both sections 5083 and 5201(c). The effect of the Senate receding would be to reenact sections 5083 and 5201(c) as amended by Public Law 99-348.

In examining sections 5083 and 5201(c), the conferees noted inconsistencies between these provisions and other provisions of title

10, especially sections 3962 and 8962, concerning the retirement of officers who are serving, or have served, in a position for which the grade is specified in law. The conferees agreed to direct the Secretary of Defense to submit a legislative proposal, as part of the submission required by section 604 of the conference substitute amendment, to make consistent or appropriately amend the retirement provisions for all officers serving or having served in positions for which the grade is specified in law.

Qualifications for Appointment as Chief of Staff

The Senate amendment contained a provision (section 111) that would provide that the President may assign to serve as members of the Joint Chiefs of Staff only officers who have served in one or more joint duty positions for a substantial period of time. The provision would also provide a waiver of this requirement in the case of any officer if the President determines that such action is necessary in the national interest.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish policies to ensure, whenever practicable, the application of certain criteria to the selection of an officer for recommendation to the President for assignment as the Chief of Staff of an Armed Force. The specified criteria would be that the officer have had significant experience in joint duty assignments and that such experience include at least one joint duty assignment as a general or flag officer.

The Senate recedes with amendments to require that the President may assign an officer to serve as a Chief of Staff only if he meets the criteria specified in the House provision, to provide a waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide appropriate transition provisions for use by the President before full application of these new requirements. The transition provision is provided in section 532(c) of the conference substitute amendment.

Principal Naval Adviser

The Senate amendment contained a provision (section 302) which would have the effect of repealing existing section 5081(d) that provides:

> The Chief of Naval Operations is the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy.

The House amendment contained a provision (section 601(d)) that would strike out "to the President and" from section 5081(d) of title 10.

The House recedes.

Vice Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the appointment and powers and duties of each Vice Chief of Staff and the succession to the duties of the Chief of Staff.

The House amendment contained no similar provisions.

The House recedes.

Deputy and Assistant Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would:

(1) authorize not more than four Deputy Chiefs of Staff for each Armed Force;

(2) authorize not more than three Assistant Chiefs of Staff for each Armed Force; and

(3) specify the assignment of the Deputy and Assistant Chiefs of Staff.

The House amendment contained no similar provisions.

The House recedes with amendments to authorize not more than five Deputy Chiefs of Staff for each Armed Forces and to establish in law the position of Chief of Staff of the Marine Corps.

SEC. 503. AUTHORITY TO ORGANIZE ARMY INTO COMMANDS, FORCES, AND ORGANIZATIONS; AND SEC. 523. AUTHORITY TO ORGANIZE AIR FORCE INTO SEPARATE ORGANIZATIONS

The Senate amendment contained provisions (sections 203 and 403) that would clarify the authority of the Secretaries of the Army and Air Force to organize the Army and Air Force.

The House amendment contained no similar provisions.

The House recedes.

SEC. 514. TECHNICAL AND CLERICAL AMENDMENTS

Section 514 of the conference substitute amendment amends title 10 to make appropriate conforming and technical changes to implement the actions of the conference committee relating to part B of title V of the conference substitute amendment.

SEC. 531. CONFORMING AMENDMENTS

Section 531 of the conference substitute amendment amends title 10 and title 37 to make appropriate conforming changes to implement the actions of the conference committee relating to parts A, B, and C of title V of the conference substitute amendment.

SEC. 532. TRANSITION

The conferees agreed to two transition provisions that would:

(1) require implementation of subsections (c) and (d) of sections 3014, 5014, and 8014 of title 10 (as added by sections 501, 511, and 521 of the conference substitute amendment) not later than 180 days after the date of enactment of the conference substitute amendment; and

(2) require each Secretary of a Military Department to submit a report on such implementation 30 days after implementation.

The conferees also agreed to a transition provision for use by the President before the requirements for appointment as a Chief of Staff become fully effective. The provision authorizes the President to waive for 4 years:

(1) the requirement for a 3-year joint duty tour if the Chief of Staff has served in a joint duty assignment for not less than 2 years; and

(2) the requirement that a Chief of Staff have served in a joint duty assignment as a general or flag officer if the Chief of Staff served as a general or flag officer in an assignment that was considered a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

TITLE VI—MISCELLANEOUS

SEC. 601. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

Military Departments and Combatant Commands

The Senate amendment contained a provision (section 501) that would require a 10-percent reduction by September 30, 1988 in the total number of military and civilian personnel assigned to headquarters staffs within the Military Departments and combatant commands. The provision would:

(1) exclude each Office of the Secretary of a Military Department, the Army and Air Staffs, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, because other provisions of the Senate amendment would require personnel reductions in these organizations,.

(2) use the personnel strengths of these staffs on September 30, 1985 as the baseline for reductions;

(3) require the Secretary of Defense to allocate the reductions;

(4) prohibit accomplishment of the reductions by recategorizing or redefining duties, functions, offices, or organizations;

(5) authorize each combatant commander to determine how reductions allocated to his command would be accomplished;

(6) prohibit further increases beyond the reduced personnel levels; and

(7) define the terms applied to headquarters staff.

The House amendment contained no similar provision.

The House recedes with two amendments. The first amendment requires the 10-percent reduction to be applied to the total number of personnel assigned on September 30, 1986 instead of September 30, 1985. The second House amendment excludes the immediate headquarters staff of each unified and specified combatant commander from the required personnel reductions.

Defense Agencies and Department of Defense Field Activities

The Senate amendment contained a provision (section 117) that would require a 15-percent reduction by September 30, 1988 in the total number of civilian and military personnel assigned to the headquarters staffs of Defense Agencies and Department of Defense Field Activities and a 10-percent reduction in non-headquarters personnel. The provision would:

(1) use the personnel strengths of these elements on September 30, 1985 as the baseline for reductions;

(2) require the Secretary of Defense to allocate the reductions among the agencies and activities in a manner consistent with the efficient operation of the Department of Defense;

(3) prohibit the accomplishment of the reductions by recategorizing or redefining duties, functions, offices, or organizations;

(4) exempt the National Security Agency from the required personnel reductions; and

(5) define the terms applied to headquarters staffs.

The House amendment contained no similar provision.

The House recedes with seven amendments to:

(1) require that the reductions be applied to the total number of personnel assigned on September 30, 1986 instead of September 30, 1985.

(2) require only 5-percent reductions by September 30, 1988 for both headquarters personnel and non-headquarters personnel;

(3) require an additional 10-percent reduction in the total number of headquarters personnel assigned on September 30, 1988, to be completed by September 30, 1989, and a corresponding 5-percent reduction in the total number of non-headquarters personnel;

(4) allow any reductions in headquarters personnel and non-headquarters personnel in excess of those required by September 30, 1988 to be applied to the reductions of headquarters and non-headquarters personnel required by September 30, 1989;

(5) allow any reductions of headquarters personnel or non-headquarters personnel in excess of those required by September 30, 1988 or September 30, 1989 to be applied to the required reductions in personnel in the other category;

(6) authorize the Secretary of Defense, if he determines that national security requirements dictate such action, to allocate part or all of the reductions to headquarters or non-headquarters activities in the Department of Defense other than the Defense Agencies and Department of Defense Field Activities;

(7) specify that personnel reductions required by section 601 of the conference substitute amendment are in addition to any reductions required to be made by other provisions of the conference substitute amendment.

The conferees agreed that the principal effect of the second and third House amendments would be to delay the total reductions required by the Senate amendment for 1 year.

The conferees noted that the Senate provision would afford the Secretary latitude in applying the personnel reductions among the various agencies and activities. He would be authorized, for example, to exempt any Defense Agency or Department of Defense Field Activity from personnel reductions. The House amendments increase the discretion allowed the Secretary. He could allocate all or part of the personnel reductions required in the Defense Agencies and Department of Defense Field Activities to other elements of the Department of Defense.

The conferees expect the Secretary of Defense to take advantage of the latitude afforded him by the conference substitute amendment to make selective, rather than across-the-board, reductions. Organizations with expanding functions and limited personnel, such as the Defense Technology Security Administration, should be exempted; reductions should be concentrated in areas where duplication and overstaffing exist. In particular, the Secretary should consider demonstrable efficiency in, or improved performance by, a Defense Agency or Department of Defense Field Activity as an important factor in exempting agencies or activities from personnel reductions.

The conferees believe that streamlining the acquisition activities of the Military Departments should be a principal source of personnel reductions, if reductions are allocated to elements of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

SEC. 602. REDUCTION OF REPORTING REQUIREMENTS

The Senate amendment contained a provision (section 503) that would waive, effective on January 1, 1987, the statutory requirement for the submission to Congress by the President or Department of Defense officials of several hundred defense-related reports, notifications, and studies. The provision would exempt from the waiver (1) any provision of law enacted on or after the date of enactment of the Senate amendment; and (2) 149 current reporting requirements listed in 84 entries in the Senate provision.

The House amendment contained a similar provision (section 503).

The House recedes with three amendments. The first House amendment affirms that it is the policy of Congress to reduce the administrative burden placed on the Department of Defense by outdated, redundant, or otherwise unnecessary reporting requirements.

The second House amendment requires the Secretary of Defense:

(1) to compile a list of all periodic reports, notifications, and studies currently required to be submitted by the President or Department of Defense officials;

(2) to submit the list to Congress with certain information on each item on the list, including the Secretary's recommendation as to whether the requirement should be retained, modified, or repealed; and

(3) to include a draft of the legislation necessary for the elimination of the reporting requirements recommended by the Secretary.

The third House amendment waives the reporting requirements contained in title 32, United States Code, and exempts additional reports from the waiver.

SEC. 603. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

The Senate amendment contained a provision (section 502) that would require the President to submit an annual report to the Senate Committees on Armed Services and Foreign Relations and the House Committees on Armed Services and Foreign Affairs on the national security strategy of the United States.

The House amendment contained a similar provision (section 501) that would require that the report also be submitted to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

The House recedes with an amendment to require that the report be submitted to Congress (rather than committees of Congress).

The Senate amendment contained a provision (section 103(a)(2)) that would amend section 133(e) of title 10 to require the annual report to the Congress from the Secretary of Defense (required by such subsection) to include a presentation of major military missions, of the relationship of those missions to the foreign policy and military force structure of the United States, and a justification for those missions.

The House amendment contained no similar provision.

The House recedes with amendments to:

(1) delete the requirement that the report from the Secretary of Defense include a presentation of United States foreign policy and related matters;

(2) delete the requirement that the Secretary of Defense consult with the Secretary of State before submitting the report; and

(3) require the Secretary of Defense, in preparing his report, to take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 (as added by section 603 of the conference substitute amendment).

The conferees determined that there was no longer a requirement for the Secretary of Defense to include in his report a presentation of United States foreign policy. The national security strategy report of the President will discuss foreign policy. Thus, the conferees agreed only to require the Secretary of Defense, in preparing his report, to take into consideration the content of the President's report. By these changes, the President's report will present the U.S. national security strategy, and the Secretary's report will discuss key elements of the military strategy component of the national security strategy.

SEC. 604. LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

The Senate amendment contained a provision (section 504) that would provide that the provisions of the Senate amendment take effect no later than 180 days after enactment.

The House amendment contained no similar provision.

The Senate recedes with an amendment to require the Secretary of Defense to submit draft legislation to make any technical and conforming changes that are required or should be made by reason of the amendments made by the conference substitute amendment.

The conferees agreed that the provisions of the conference substitute amendment should be effective on the date of enactment except where otherwise specified.

SEC. 605. GENERAL TECHNICAL AMENDMENTS

Section 605 of the conference substitute amendment amends title 10 to make general technical changes to implement the actions of the conference committee relating to titles I, II, and III of the conference substitute amendment.

Les Aspin,
Bill Nichols,
Ike Skelton,
Nick Mavroules,
Wm. L. Dickinson,
Larry J. Hopkins,
John R. Kasich,
Managers on the Part of the House.

Barry Goldwater,
Strom Thurmond,
John Warner,
Gordon J. Humphrey,
Bill Cohen,
Dan Quayle,
Pete Wilson,
Jeremiah Denton,
Phil Gramm,
James T. Broyhill,
Sam Nunn,
John C. Stennis,
Gary Hart,
J.J. Exon,
Carl Levin,
Edward M. Kennedy,
Jeff Bingaman,
Alan J. Dixon,
John Glenn,
Managers on the Part of the Senate.